

Item No. 12

Court No. 1

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

(By Video Conferencing)

Original Application No. 73/2020

In re: Gas Leak at LG Polymers Chemical Plant in RR
Venkatapuram Village Visakhapatnam in Andhra Pradesh

Date of hearing: 08.05.2020

**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 taken up *suo-motu* on the basis of media reports¹ to the effect that leakage of hazardous gas, Styrene, took place at 03:45AM on 07.05.2020, from a chemical factory owned by the South Korean company LG Polymers India Pvt., Limited, R.R. Venkatapuram village, Pendurthy Mandal, Vishakhapatnam resulting in death of 11 persons and hospitalization of more than 100 people of whom at least 25 were reported to be serious. These fatalities and injuries are reportedly likely to increase. More than 1000 persons are reported sick. There is also damage to environment and habitat. The media reports give rise to a substantial question of environment, which needs to be gone into by this Tribunal under Sections 14 and 15 of the NGT Act, 2010.

¹ <https://www.ndtv.com/india-news/visakhapatnam-lg-polymers-gas-leakage-8-dead-over-1-000-sick-after-gas-leak-at-andhra-chemical-plant-2224643>;
<https://indianexpress.com/article/india/visakhapatnam-gas-leak-live-updates-dead-injured-cm-jagan-mohan-reddy-pm-modi-6397962/>

2. Styrene gas is a hazardous chemical as defined under Rule 2(e) read with Entry 583 of Schedule I to the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989. The Rules require on-site and off-site Emergency Plans to ensure prevention of damage. There appears to be failure to comply with the said Rules and other statutory provisions. Leakage of hazardous gas at such a scale adversely affecting public health and environment, clearly attracts the principle of 'Strict Liability' against the enterprise engaged in hazardous or inherently dangerous industry. Such an entity is liable to restore the damage caused under the Environment Law, apart from other statutory liability. The statutory authorities responsible for authorizing and regulating such activities may also be accountable for their lapses, if any, in dealing with the matter. It is also necessary to ensure that all necessary steps are taken to prevent recurrence of such an incident. Without prejudice to any other proceedings, this Tribunal has to perform its statutory obligation of providing relief and compensation to the victims of "environmental damage", as statutorily enacted, and restitution of damaged property and environment. With a view to deal with the issue, it is necessary to ascertain the facts relating to the extent of damage, extent of failure and consider remedial measures. The affected parties have to be given the opportunity of being heard.

3. Accordingly, we issue notice to Andhra Pradesh State PCB, District Magistrate, Vishakhapatnam, Central Pollution Control Board (CPCB), Ministry of Environment, Forests & Climate Change (MoEF&CC) and LG Polymers India Pvt., Limited. Notice may be served by email and response if any, be filed before the next date, by email at judicial-ngt@gov.in.

4. We also seek a report from a 6-member Committee comprising:
- a. Justice B. Seshasayana Reddy, Former Judge, A.P. High Court; - (Online till he is able to reach Vizag);
 - b. Prof. Ch V Rama Chandra Murthy, Former Vice Chancellor, Andhra University, Vizag;
 - c. Professor Pulipati King, Head of Chemical Engineering Department, Andhra University, Vizag;
 - d. Member Secretary, CPCB (Online, if travel is restricted due to Covid-19); and
 - e. Director, CSIR-Indian Institute of Chemical Technology (Online, if travel is restricted due to Covid-19);
 - f. Head, NEERI, Vizag.

The District magistrate, Vishakhapatnam, and Regional Office, Andhra Pradesh State PCB may provide logistic support to the Committee to enable their fact-finding and reporting. The Chairman, CPCB may steer and facilitate the functioning of the Committee using available technology. CPCB will bear the initial cost of functioning of the Committee to the extent necessary. The Committee will be at liberty to take assistance of such experts, individuals and institutions as may be considered necessary. The Member Secretary, CPCB will act as nodal agency for coordination.

5. The Committee may visit and inspect the site at the earliest and give its report before the next date via email judicial-ngt@gov.in. Site visit may be initially conducted by members available locally in consideration with outside members online. The Committee may specifically report:
- a. The sequence of events;

- b. Causes of failure and persons and authorities responsible therefor;
 - c. Extent of damage to life, human and non-human; public health; and environment – including, water, soil, air;
 - d. Steps to be taken for compensation of victims and restitution of the damaged property and environment, and the cost involved;
 - e. Remedial measures to prevent recurrence;
 - f. Any other incidental or allied issues found relevant.
6. Having regard to the *prima facie* material regarding the extent of damage to life, public health and environment, we direct LG Polymers India Pvt., Limited to forthwith deposit an initial amount of Rs. 50 Crore, with the District Magistrate, Vishakhapatnam, which will abide by further orders of this Tribunal. The amount is being fixed having regard to the financial worth of the company and the extent of the damage caused.
7. A copy of this order be sent to Justice B. Seshasayana Reddy, Former judge, A.P. High Court; Prof. Ch V Rama Chandra Murthy, Former Vice Chancellor, Andhra University, Vizag; Professor Pulipati King, Head of Chemical Engineering Department, Andhra University, Vizag; Director, CSIR-Indian Institute of Chemical Technology; Head, NEERI, Vizag; Andhra Pradesh State PCB; District Magistrate, Vishakhapatnam; Central Pollution Control Board (CPCB); Ministry of Environment, Forests & Climate Change (MoEF&CC) and LG Polymers India Pvt., Limited, by email.

List for further consideration on 18.5.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

May 08, 2020
Original Application No. 73/2020
DV

