

BEFORE THE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE)

CHENNAI

O.A. No 121 of 2021 (sz)

IN THE MATTER OF

Tribunal on its own SUO -MOTU Based on the

News paper item published in The Hindu

News paper Chennai Edition Dated: 14.05.2021,

under the caption "Cuddalore Pesticide Unit blast killed 4" .. Applicants

-vs-

- 1. The Chief Secretary to Govt. of Tamil Nadu,
Government Secretariat, Fort, St. George,
Chennai, Tamil Nadu- 600-009**
- 2. The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forests,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu- 600-009**
- 3. The Principal Secretary to Govt. of Tamil Nadu,
Industries Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu- 600-009.**
- 4. The Additional Chief Secretary to Govt. of Tamil Nadu,
Labour and Employment Department,
Govt. Secretariat, Fort St. George,
Chennai, Tamil Nadu- 600-009.**
- 5. The Chairman, Tamil Nadu Pollution Control Board,
No. 76, Anna Salai, Guindy,
Chennai, Tamil Nadu- 600 032.**
- 6. Directorate Boilers, Rep. by its Director,
First Floor, (North wing), PWD Office Compound,
Chepauk,
Chennai - 600 005.**
- 7. The District Collector,
Cuddalore District,
First Floor, New Collectorate Building,
Collectorate Manjakuppam, Cuddalore - 607 001.**
- 8. Crimsun Organics Private Limited,
Rep. by its Managing Director,
C-9, C-10 & C-11, SIPCOT Industrial Complex,
Kudikadu, Cuddalore - 607 005.**

... Respondents

AFFIDAVIT FILED ON BEHALF OF THE FOURTH RESPONDENT

I, Tmt.M.Lakshmi, wife of Thiru.E.Dinakaran, aged about 47 years, residing at G-19/4, TAISHA, Nerkundram, Virugambakkam, Chennai-600 092 do hereby solemnly affirm and sincerely state as follows:-

I am the Joint Secretary to Government of Tamil Nadu, Labour Welfare and Skill Development Department (formerly known as Labour and Employment Department) Government, Secretariat, Fort St George, Chennai, Tamil Nadu - 600 009 and as such I am well acquainted with the facts and circumstances of this case. On behalf of the Secretary to Government, Labour Welfare and Skill Development Department, Secretariat, Chennai - 600 009, the fourth respondent herein, I have been authorized to file the affidavit and I am filling this affidavit on behalf of the fourth respondent herein.

2. It is submitted that the affidavit is being filed to apprise this Hon'ble National Green Tribunal about the factual positions and actions taken immediately after the incident, as per the directions of this Hon'ble National Green Tribunal in its order dated 04.06.2021.

3. It is submitted that the Crimsun Organics Private Limited, Cuddalore, the 8th respondent was registered in the year 2005 and the Factory License has been renewed upto the year 2021. The Additional Factory Plan approval was obtained by the 8th Respondent on 03.10.2019 and while granting Plan approval under the Factories Act, there were several conditions imposed on the 8th Respondent i.e Crimsun Organics Private Limited to comply with.

4. It is further submitted that immediately after the accident on 13.05.2021, the Joint Director (FAC), Industrial Safety and Health, Cuddalore had visited the 8th Respondent factory and found that the following are the causes of the above accident in the factory:-

- a) *The safety valve of the reactor vessel which should have been connected to scrubber system to release the excess pressure was found absent.*
- b) *Double Valve with Bleeder Valve arrangement was not provided to prevent the steam leak which entered in the reactor vessel.*

- c) *Since one side of the stair case in the second floor was blocked, the workers were prevented from coming down, instead climbed up to the third floor and suffocated due to inhalation of the upcoming toxic gas.*

5. It is further submitted that immediately after the factory accident occurred on 13.05.2021, an order under section 40 (2) of the Factories Act, 1948 was issued to the Occupier, Prohibiting the use of whole factory for the contravention as stated above until it has been properly repaired or altered, on 14.05.2021 itself and the copy of the same is enclosed herewith. **(Annexure -A)**

6. It is further submitted that the 8th Respondent filed an appeal before the Director of Industrial Safety & Health on 11.06.2021 seeking withdrawal of the prohibition order dated 14.05.2021 issued by the Joint Director of Industrial Safety & Health, Cuddalore on the ground that they had fully complied with all the safety conditions by properly repairing / altering the earlier contraventions. Based on the appeal received, the Director of Industrial Safety and Health, had issued an order dated 23.06.2021 instructing the Additional Director, Industrial Safety and Health, Tiruchirappalli to re-inspect the factory and to offer remarks on the appeal. In this regard, the Additional Director of Industrial Safety and Health, Tiruchirappalli had re-inspected the above factory premises on 24.06.2021 and it was found that all the Safety defects mentioned in the prohibition order dated 14.05.2021 referred to above were completely repaired/alterd to the satisfaction and hence the Additional Director of Industrial Safety and Health, Tiruchirappalli had recommended to the Director of Industrial Safety & Health, Chennai for vacating the prohibition order dated 14.05.2021 for the following reasons. **(Annexure-B)**

- a) Bleeder Valve has been provided in between two valves in the Steam line. Hence, no chance of steam leakage and passing through the reactor.
- b) Safety valve provided and connected with scrubber system to scrub the toxic gas which would be emanated due to sudden raise in pressure and heat.
- c) Obstructions for free movement of workers to the ground floor have been removed.

- d) Appointed factory Medical Officer Mrs. Sheeladevi M.B.B.S with AFHH Qualification along with Assisting Staff. Appointment of the above Medical Officer has been notified to Directorate of Industrial Safety and Health for Approval.
- e) In addition to the above, additional Interlock safety with Hooter alarm system provided and the hooter system will be activated when the Steam temperature reaches 120 C and the Steam line will be closed automatically if the temperature of steam reaches 125 C.

7. Based on the recommendation of the Additional Director of Industrial Safety and Health, Trichy, the Director of Industrial Safety and Health issued an order dated 28.06.2021 to revoke the Prohibition Order under Section 40 (2) subject to the following conditions:-

- i. All safety provisions mentioned in the Factories act, 1948 shall be followed compulsorily.
- ii. If the Stoppage order is issued for the same contraventions once again in future the appeal will not be considered in this regard.
- iii. All the Factory Buildings, Part of a Building, Machinery, and Part of the ways, Machinery or plant shall be maintained in good condition so that there is no imminent danger to human life or safety.
- iv. Instruments and safety devices shall be tested by competent persons once in a month and the details of test shall be maintained in a register.
- v. All plant equipment and machineries shall be tested before starting and atleast twice in a year by the competent person.
- vi. The Solvent IPA shall be completely recovered from Acetamidrid M.L. in the reactor vessel.
- vii. Residual Acetamidrid impurities shall be removed immediately after recovery of solvent from Acetamidrid M.L and the vessel may be kept open and it shall be ensured that steam line is 'closed'. (Annexure-C)

8. It is further submitted that a detailed Show Cause Notice dated 08.06.2021 was also issued by Joint Director of Industrial Safety and Health (FAC), Cuddalore to the Manager and Occupier seeking their explanation for the contraventions noticed in the factory during the inspection. Subsequently compliance reply letter has been received from the 8th respondent, Subsequently a correction slip was issued on 09.07.2021 by the

Additional Director of Industrial Safety and Health, Cuddalore. Based on the reply for the Show cause notice, the Factory was re-inspected by Joint Director of Industrial Safety & Health, Cuddalore on 29.06.2021. After getting the Administrative approval from the Director of Industrial Safety & Health, Chennai, cases under the Factories Act will be filed before the Chief Judicial Magistrate Court, Cuddalore against the Occupier and Manager of the Crimsun Organics Private Limited, Kudikadu, Cuddalore. (Annexure-D).

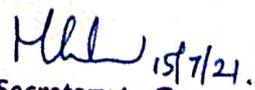
9. It is further submitted that this respondent acting in the capacity of Secretary to Government, Labour Welfare and Skill Development Department has instructed the Director of Industrial Safety and Health to take all necessary steps to prevent such accidents.

10. It is further submitted that a sum of Rs.15 lakhs was paid as a compensation to each of the family of the 4 deceased workers and Rs.10,000/- each was paid as compensation to 12 injured workers by the 8th respondent. In addition to this, the Government of Tamil Nadu has also sanctioned a sum of Rs. 3,00,000/- (Rupees Three Lakh only) each to those four deceased workers and a sum of Rs.1,00,000/- (Rupees One Lakh Only) to those 14 workers who were injured, from the Hon'ble Chief Minister Relief Fund. Further, workers were covered under ESI scheme and hence the dependent benefit will be paid under the ESI scheme to the families of the deceased workers.

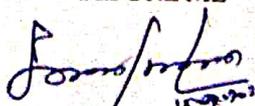
It is therefore prayed that this Hon'ble Tribunal may be pleased to take the above submissions on record and pass suitable order/ orders as deemed fit and proper on the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Chennai on this]
the 15th day of July, 2021 and signed]
her name in my presence]

PAGE NO. : 5
CORRECTIONS : NIL


15/7/21.
Joint Secretary to Government
Labour Welfare and Skill
Development Dept.
Secretariat, Chennai-600 009

BEFORE ME


15/7/21
Under Secretary to Government
Labour Welfare and Skill
Development Dept.
Secretariat, Chennai-600 009