

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 162 of 2020 (SZ)**

**In The Matter Of**

Tribunal on its own motion - SUO MOTU  
Based on the News item in India Today Web Portal  
Dated 21.08.2020, "several hospitalised after ammonia gas  
Leakage at dairy unit in Andhra Pradesh's Chittoor"

...Applicant(s)

Vs.

1. Union of India, Ministry of Environment,  
Forest and Climate Change,  
Rep. by its Secretary,  
Indira Paryavaran Bhavan, Jorbagh Road,  
New Delhi - 110 003.
2. The Chief Secretary to Government of Andhra Pradesh,  
1st Block, 1st Floor, Interim Government Complex,  
A.P Secretariat Office, Velagapudi,  
Guntur, Andhra Pradesh – 522237.
3. Special Chief Secretary of Andhra Pradesh,  
Department of Environment,  
Forest, Science and Technology,  
4th Block, Ground Floor, Room No:268,  
A.P Secretariat Office, Velagapudi,  
Guntur, Andhra Pradesh – 522237.
4. Special Chief Secretary of Andhra Pradesh,  
Department of Industries and Commerce,  
2nd Block, Ground Floor, Room No:102,  
A.P Secretariat Office, Velagapudi,  
Guntur, Andhra Pradesh – 522237.
5. Principal Secretary of Andhra Pradesh,  
Department of Labour, Factories,  
Boilers & Insurance Medical Services,  
5th Block, Ground Floor, Room No:159,  
A.P Secretariat Office, Velagapudi,  
Guntur, Andhra Pradesh – 522237.
6. The Chairman,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Shahdara, Delhi-110032
7. The Chairman,  
Andhra Pradesh Pollution Control Board,  
D.No. 33-26-14 D/2, Near Sunrise Hospital,  
Pushpa Hotel Centre, Chalamalavari Street,  
Kasturibaipet Vijayawada – 520 010.

8. The District Collector,  
Chittoor District,  
District Collector Office,  
Collectorate, Chittoor,  
Andhra Pradesh - 517002.
9. Hatsun Agro Products Limited,  
Rep. by its Managing Director,  
Sy.No 821 & 882, M. Bandapalli Village,  
Putalapattu Mandal, Chittoor,  
Andhra Pradesh - 517 124.

...Respondent(s)

**REPLY AFFIDAVIT ON BEHALF OF THE 9<sup>TH</sup> RESPONDENT**

I, P. Sivasakthivel, son of U. Pushpanathan, aged about 45 years, Assistant Manager – Legal of the 9<sup>th</sup> Respondent Company. The address for service of all notices and processes on the 9<sup>th</sup> Respondent is at No.1/20-A, Rajiv Gandhi Salai (OMR), Karapakkam, Chennai – 600 097.

I do hereby solemnly affirm and state as follows:

1. I respectfully state that I am the Assistant Manager - Legal of the 9<sup>th</sup> Respondent Company and as such I am aware about the facts of the case and competent to swear the affidavit on behalf of the Respondent.
2. I respectfully state that the 9<sup>th</sup> Respondent is a private sector dairy and one of the market leaders in the food processing industry. The 9<sup>th</sup> Respondent is involved in the manufacture and marketing of various food products including milk and dairy products.
3. I respectfully submit that the ammonia receiver was a new machine which had been installed a few days before the incident and all reasonable precautions were undertaken. The leakage was only of 1 kg out of the total 800 kgs present in the ammonia receiver at the time of the incident. Everyone was evacuated within 5 minutes and the leak was arrested within 15 minutes. The 9<sup>th</sup> Respondent Company had also actively supported and assisted those who had been affected due to the leak in the unit. I respectfully state that the 9<sup>th</sup> Respondent has always followed the necessary procedures and statutory requirements to avoid any such accidents at any of its units in order to safeguard its employees/ staff and also the environment.
4. I respectfully state that the 9<sup>th</sup> Respondent has taken necessary steps to prevent an ammonia leak at its unit. The entire unit has been checked and rectifications have been carried out. The unit of the 9<sup>th</sup> Respondent has always had the necessary precautions and safety parameters in place. The 9<sup>th</sup> Respondent is diligent in following the processes and procedures as prescribed under law and by the concerned authorities. The SOP followed at the unit has always been in compliance with the work permit granted to the 9<sup>th</sup> Respondent. The 9<sup>th</sup> Respondent has further invested in its infrastructure to better equip its unit and to prevent such an incident.

5. I respectfully submit that the ammonia leak was restricted to the process area as stated in the Report filed by the Joint Committee. The ammonia receiver having a total capacity of 2 tons and on the day of the incident contained 800 kgs of ammonia gas. Only 1 kg of ammonia escaped from the total of 800 kgs. The ammonia leak was arrested within a matter of minutes. The amount of ammonia which escaped into the environment was less and for an extremely short duration. The accident was addressed quickly and effectively by the 9<sup>th</sup> Respondent to ensure (i) the well being of its staff and (ii) to protect the environment of the surrounding area.
6. I respectfully submit that as the report of the Joint Committee states, ammonia is a naturally occurring substance in the environment and given the extremely small quantity of ammonia which escaped for a very brief period of time in the process area of the unit, there was no harm caused to the environment.
7. I respectfully submit that the 9<sup>th</sup> Respondent complied with various inspections carried out at its unit as stated below:

Sr. No.	Conditions	Compliance
1.	Failed to follow the pre start-up safety procedure while charging newly created ammonia receiver and its pipe line.	Work permit system followed at all levels during the work taken for the ammonia receiver.
2.	Failed to isolate the area and not to allow the workers while charging the receiver and pipeline charging with ammonia.	Work Permit system followed at all levels during the work taken for the Ammonia Receiver. Risk assessment is conducted on potential hazard and recommendation with PPE will be provided.
3.	Failed to provide sensors with alarm to alert the workers about leakage of ammonia.	Ammonia sensors with alarm provided at Receiver and accumulators followed with water screen arrangements linked with fire hydrant system.
4.	Failed to ensure that the working area is free from ammonia post repairs of ammonia leakage arresting.	Ammonia sensors with alarm provided at working location. Work area is ventilated adequately by providing additional exhaust units. Portable ammonia detector is used to ensure the location is free from ammonia.

8. I respectfully deny the statement made in Clause 4.2 of the Report wherein the 9<sup>th</sup> Respondent has been accused of not evacuating the workers immediately. As seen from timeline given on page 3 of the report, the 9<sup>th</sup> Respondent evacuated everyone within a matter of 5 minutes. Given, the number of people working at the unit, the 9<sup>th</sup> Respondent evacuated everyone from the said premises as fast as possible. I further emphasize that the

9<sup>th</sup> Respondent had followed the SOPs and neither was there an instance of operational negligence on its part nor were its staff/ management lacking the training to handle the situation. The leak was arrested in less than 15 minutes and the staff/ management was evacuated within 5 minutes. The 9<sup>th</sup> Respondent has always been and will continue to maintain high standards for the safety of its staff/ management. The 9<sup>th</sup> Respondent is also aware of the importance of preserving the environment and strives to make the necessary endeavors to protect the same.

9. I respectfully submit that the 9<sup>th</sup> Respondent would be put to great prejudice if further costs are imposed in relation to the accident at its unit. There was no pollution to the environment since the small quantity of ammonia which leaked was restricted only to the process area and those affected by the incident were immediately given the necessary medical assistance to recover from their symptoms along with monetary compensation for any losses they may have incurred.
10. I respectfully submit that the 9<sup>th</sup> Respondent has not yet received or found the Report ordered by the Hon'ble Tribunal vide order dated 22.12.2021 and will respond to the same, if required, upon the said report being taken on record by the Hon'ble Court.
11. I respectfully submit that the 9<sup>th</sup> Respondent has always had a good track record. The 9<sup>th</sup> Respondent respects the environment and has taken all the necessary steps for protecting the environment and the safety of its workers.

In these circumstances, the 9<sup>th</sup> Respondent most humbly prays that this Hon'ble Tribunal may be pleased to close the present application and thus render justice.

HATSUN AGRO PRODUCT LTD.

*P. Varsha*  
Authorized Signatory

**DEPONENT**

**BEFORE ME**

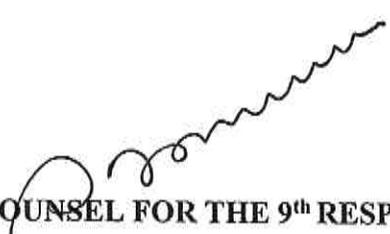
*P. Varsha*  
(S. VARSHA)  
MC2143/2016  
B.S. Prince Towers, 4/13, Maravadi  
Chennai, My laptop, ch-4.  
**ADVOCATE: CHENNAI**

**LIST OF DOCUMENTS FILED BY THE 9<sup>th</sup> RESPONDENT**

S.NO.	DATE	DESCRIPTION
1.	25.08.2020	Inspection Order No.R.99256/2020/Special, dated 25.08.2020

2.	21.10.2020	Reply Notice of the 9 <sup>th</sup> Respondent
3.	21.08.2020 - 25.08.2020	Workers Hospital discharge details
4.	NIL	Compensation paid details
5.	NIL	Documents related to maintenance of the Plant at Chittoor and the Ammonia Receiver therein
6.	NIL	Documents related to ammonia sensors provided at the Plant
7.	20.08.2020	The "Work Permit System" followed in the Plant while working on the Ammonia Receiver

Dated at Chennai on this 19<sup>th</sup> day of February, 2021

  
COUNSEL FOR THE 9<sup>th</sup> RESPONDENT

For HATSUN AGRO PRODUCT LTD.  
 X  
Authorised Signatory

DEPONENT

**VERIFICATION**

I, P. Sivasakthivel, son of Mr. U. Pushpanathan, aged about 45 years, Assistant Manager - Legal, in the Plaintiff Company and authorized signatory, do hereby verify and declare that what are all stated above in respect of the addresses are true to the best of my knowledge and belief.

Dated at Chennai on 19<sup>th</sup> day of February 2021.

For HATSUN AGRO PRODUCT LTD.  
 X  
Authorised Signatory

DEPONENT

**BEFORE THE HON'BLE  
NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**O.A. No. 162 of 2020**

Tribunal on its own motion - SUO MOTU  
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**... Applicant**

Vs.

Union of India & Ors.

**... Respondents**

**REPLY AFFIDAVIT ON BEHALF  
OF THE 9<sup>th</sup> RESPONDENT**

**M/s. SURANA & SURANA,  
G. KALYAN JHABAKH  
Advocates,  
Counsel for 9<sup>th</sup> Respondent  
E.No. 823/1990  
99623 90000**