

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA

OA NO. 157 OF 2024 (EZ)

[Earlier OA NO. 771 OF 2024 (PB)]

IN THE MATTER OF:

News item titled "Odisha 9 hospitalised after suspected gas leak at Rourkela Steel Plant"
appearing in The Times of India dated 01.07.2024 ...Applicant

VERSUS

Central Pollution Control Board & Ors.

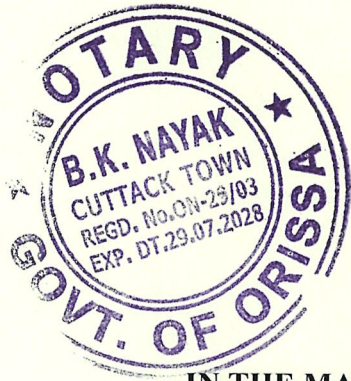
...Respondent(s)

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	ADDITIONAL AFFIDAVIT on behalf of the Ministry of Environment, Forest And Climate Change (Respondent No. 3)	1-5
2.	ANNEXURE- R1: Copy of Letters dated 16.01.2025 and Letter dated 17.03.2025 issued by the Ministry of Environment, Forest and Climate Change [COLLY]	6-12
3.	ANNEXURE- R2: Copy of letter Dated 13.03.2025 shared by Directorate of Factories and Boilers, Odisha	13-14

Place: Bhubaneswar

Dated: 28-03-2025



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE, KOLKATA

OA NO. 157 OF 2024 (EZ)

[Earlier OA NO. 771 OF 2024 (PB)]

IN THE MATTER OF:

News item titled "Odisha 9 hospitalised after suspected gas leak at Rourkela Steel Plant"
appearing in The Times of India dated 01.07.2024 ...Applicant

VERSUS

Central Pollution Control Board & Ors.

...Respondent(s)

ADDITIONAL AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT,

FOREST AND CLIMATE CHANGE (RESPONDENT NO. 3)

I, Shri M. Rajeshwar Prasad, S/O M. Bhaskar Rao, aged about 57 years currently working as Scientist 'C' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, A/3, Chandrasekharpur, Bhubaneswar – 751023 do hereby solemnly affirm and state as under:-

1. That I, in my official capacity of Scientist C in the Ministry Environment, Forest and Climate Change, RO Bhubaneswar, i.e. Respondent No. 3 in the above-mentioned matter, am conversant with the facts and circumstances of the case on the basis of official records, and as such authorized and competent to swear this affidavit.
2. That, an additional affidavit is being filed by the answering respondent at this stage and it craves leave and liberty to file any other Affidavit to the aforesaid application, as and when required.


M. Rajeshwar Prasad.


B.K. NAYAK
NOTARY
CUTTACK TOWN
Regd. No. ON-29/03

3. That, the Hon'ble National Green Tribunal (hereinafter referred to as "Hon'ble Tribunal") vide order dated 07.01.2025 has inter-alia observed that Rule 5 of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (hereinafter referred to as "MSIHC Rules, 1989") provides that the "Occupier should notify about the major chemical accident to concerned authority and concerned authority shall undertake full analysis of accident report and sent to MoEF&CC as prescribed.

4. That pursuant to the observations made by the Hon'ble Tribunal in its order dated 07.01.2025, It is submitted that sub-rule (j) of Rule 2 of the MSIHC Rules, 1989 defines major accident as: *"an incident involving loss of life inside or outside the installation, or ten or more injuries inside and/or one or more injuries outside or release of toxic chemicals or explosion or fire or spillage of hazardous chemicals resulting in on-site or off-site emergencies or damage to equipment leading to stoppage of process or adverse affects to the environment;*

5. It is submitted that under Sr. no.4 in Schedule 5 of the MSIHC Rules, 1989, authorities like Central Pollution Control Board (CPCB) or State Pollution Control Board or Committee (SPCB/PCC) under Environment (Protection) Act, 1986 and Chief Inspector of Factories (CIF) appointed under the Factories Act, 1948 are the concerned authorities for the following duties and corresponding rule as mentioned below:


B.K. NAYAK
NOTARY
CUTTACK TOWN
Regd. No.ON-29/03

M. Rajeshwar Prasad.

SCHEDULE-5

(See rule, 2(b) and 3)

S.No.	Authorities with legal Backing	Duties and corresponding rule
(1)	(2)	(3)
3.	Central Pollution Control Board or State Pollution Control Board 1 [or Committee] under Environment (Protection) Act, 1986 as the case may be	<p>(1) Enforcement of directions and procedures in respect of isolated storage of hazardous chemicals, regarding-</p> <p>(i) Notification of major accidents as per Rules 5(1) and 5(2)</p> <p>(ii) Notification of sites as per Rules 7 to 9.</p> <p>(iii) Safety reports in respect of isolated storages as per Rule 10 to 12.</p> <p>(iv) Preparation of on-site emergency plans as per Rule 13.</p> <p>(2) Import of hazardous Chemicals and enforcement of directions and procedures on import of hazardous chemicals as per Rule 18.</p>
4.	Chief Inspector of Factories appointed under the Factories Act, 1948.	<p>Enforcement of directions and procedures in respect of industrial installations and isolated storages covered under the Factories Act, 1948, dealing with hazardous chemicals and pipelines including inter-state pipelines regarding-</p> <p>(i) Notification of major accidents as per Rule 5(1) and 5(2).</p> <p>(ii) Notification of sites as per Rules, 7 to 9.</p> <p>(iii) Safety reports as per Rules, 10 to 12.</p> <p>(iv) Preparation of on-site emergency plans as per Rule 13.</p> <p>Preparation of off-site emergency plans in consultation with District Collector or District Emergency Authority as per S. No. 9 of this schedule.</p>

M. Rajeshwar Prasad.


B.K. NAYAK
 NOTARY
 CUTTACK TOWN
 Regd. No. ON-29/03

6. It is submitted that pursuant to the orders of the Hon'ble Tribunal, a letter dated 16.01.2025 was issued by the answering respondent to Director of Factories & Boilers, Odisha and CPCB seeking a copy of full analysis report of the accident in compliance with the MSIHC Rules, 1989. The answering respondent, through Regional Office Bhubaneswar sent another letter dated 17.03.2025 to Director of Factories & Boilers seeking:

- (i) A detailed report of the accident that occurred on 01.07.2024 at Rourkela Steel Plant
- (ii) The full analysis report of the accident as per Rule 5 of the MSIHC Rules, 1989
- (iii) Any other relevant documents or findings related to the incident.

The copy of letter dated 16.01.2025 and 17.03.2025 is annexed herein as **Annexure R1 (COLLY)**

7. It is further submitted that the occupier vide letter dated 30.01.2025 had submitted to Director of Factories & Boilers, Odisha that the subject incident was a localized gas leak from the U Seal of Blast Furnace and was arrested within a short period. Out of 9 affected employees, one (1) joined duty back on 1st July 2024 itself after being administered first Aid at Plant Occupational Health Service Centre and the rest eight (8) affected employees after treatment, were released


B.K. NAYAK
NOTARY
CUTTACK TOWN
Regd. No. ON-29/03

M. Rajeshwar Rualad.

from hospital the very next date and all joined duty within 48 hours of the incident. That the Directorate of Factories and Boilers, Odisha vide letter dated 13.03.2025 has stated that the said accident does not come within the definition of "Major Accident" as per rule 2(j) of the MSIHC Rules, 1989. Hence, it does not attract the provision of Rule 5 of the MSIHC Rules. The Copy of letter dated 13.03.2025 is annexed herein as **Annexure R2**.

8. It is respectfully submitted that in view of the above submissions, this Hon'ble Tribunal may pass such order(s) as deemed fit and proper in the facts and circumstances of the case.

M. Rajeshwar Prasad.
DEPONENT

एम. राजेश्वर प्रसाद
M. RAJESHWAR PRASAD
वैज्ञानिक 'सी' / SCIENTIST 'C'
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & CC
क्षेत्रीय कार्यालय / Regional Office
भुवनेश्वर / Bhubaneswar

VERIFICATION

Verified at Bhubaneswar on this 28th day of March, 2025 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

M. Rajeshwar Prasad.
DEPONENT

एम. राजेश्वर प्रसाद
M. RAJESHWAR PRASAD
वैज्ञानिक 'सी' / SCIENTIST 'C'
भारत सरकार / Govt. of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & CC
क्षेत्रीय कार्यालय / Regional Office
भुवनेश्वर / Bhubaneswar



The deponent being identified by Self Adv / Clerk swears on oath & solemnly affirms before me on dt: 28/03/2025 that the facts stated above are true to his/her knowledge

M. Anand Kumar
Notary for Cuttack Town
Govt. of Orissa
Regd No. ON-29/0

File No. HSM-11/32/2024-HSM
Ministry of Environment, Forest and Climate Change
Government of India
(HSM Division)

Indira Paryavaran Bhawan
Jorbagh Road,
Aliganj New Delhi-110003
Date: 16.01.2025

To,

(1) Director of Factories & Boilers
Odisha, Kharvel Nagar,
Bhubaneswar-751 001

(2) Chairman, Central Pollution Control Board,

Parivesh Bhawan, Maharshi Valmiki Marg, East Arjun Nagar, Vishwas Nagar
Extension, Shahdara, Delhi, 110032

Sub: OA No. 157 of 2024 in the matter of News item titled "Odisha 9 hospitalised after suspected gas leak at Rourkela Steel Plant" appearing in The Times of India dated 01.07.2024 before NGT (EZ) Kolkata-reg

Sir/Ma'am,

Kind attention is invited to the above captioned subject matter. The Hon'ble National Green Tribunal (EZ), Kolkata has taken suo-moto cognizance in the matter based on news item titled "Odisha 9 hospitalised after suspected gas leak at Rourkela Steel Plant". The matter relates to the hospitalization of nine people following a suspected gas leak incident at Rourkela Steel Plant in Odisha. As per the article, nine persons, including three officials and six contract employees felt unwell while working in the blast furnace number 5 after coming in contact with some gas. It is alleged that the leak was reported in a blast furnace of the plant.

2. The Hon'ble Tribunal vide order dated 07.01.2025 has observed that Occupier should notify about the major chemical accident to concerned authority and concerned authority shall undertake full analysis of accident report and sent to MoEF&CC as prescribed.

3. That Rule 5 of the Manufacture Storage and Import of Hazardous Chemicals Rules, 1989 stipulates that:

"(1) Where a major accident occurs on a site or in a pipe line, the occupier shall within 48 hours notify the concerned authority as identified in Schedule 5 of that accident, and furnish thereafter to the concerned authority a report relating to the accidents in installments, if necessary, in Schedule 6.

(2) The concerned authority shall on receipt of the report in accordance with sub-rule 1 of this rule, shall undertake a full analysis of the major accident and sent the requisite information within 90 days to the Ministry of Environment and Forests through appropriate channel.

(3) An occupier shall notify to the concerned Authority, steps taken to avoid any repetition of such occurrence on a site.

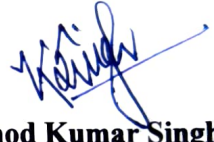
(4) The concerned Authority shall compile information regarding major accidents and make available a copy of the same to the Ministry of Environment & Forests through appropriate channel.

(5) The concerned Authority shall in writing inform the occupier, of any lacunae which in its opinion needs to be rectified to avoid major accidents.

4. In view of the above, please confirm **whether the report has been forwarded by the Rourkela Steel Plant to the Concerned Authority as per provision of MSIHC Rules, 1989.** Further, it is requested to kindly provide the copy of full analysis report of the accident to this Ministry at the earliest in compliance with Rule 5 of MSIHC Rules, 1989 so that the same can also be submitted before the Hon'ble Tribunal.

5. This issues with the approval of competent authority.

Encl: As Above



(Vinod Kumar Singh)
Scientist 'F' MoEF&CC
Email: vinodsingh.77@gov.in
Ph :011-20819342

Copy to:

1. **The Chief General Manager (Law), Rourkela Steel Plant, SAIL, Rourkela, Odisha 769011**

Item No.05

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.157/2024/EZ
(Earlier O.A. No.771/2024/PB)

News item titled "Odisha 9
hospitalised after suspected
gas leak at Rourkela Steel Plant"
appearing in The Times of India
dated 01.07.2024

Applicant(s)

Date of hearing: 07.01.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Mr. Rajib Ray, Adv. for R-1 (in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. for R-2 (in Virtual Mode),
Ms. Anamika Pandey, Adv. for R-3 (in Virtual Mode),
Mr. Sanjay Rath, AGA for R-4 (in Virtual Mode),
Mr. Kallol Basu, Adv. for R-5 (in Virtual Mode)

ORDER

1. Affidavit dated 26.11.2024 has been filed on behalf of the Respondent No.1, Central Pollution Control Board; the same is taken on record.
2. Affidavit dated 06.01.2025 has been filed on behalf of the Respondent No.5, Rourkela Steel Plant, Sundargarh; the same is taken on record.
3. Along with the affidavit dated 06.09.2024 filed by the Odisha State Pollution Control Board, a Preliminary Investigation Report has been filed of an investigation carried out on 01.07.2024. In this Report, it is mentioned that "*Gas leakage was observed from the drain of nearby U-Seal-1 and the U-Seal was immediately isolated.*" The Report further mentioned that "*Cause of the gas leakage is*

under investigation and details will be shared by the SAIL authority after a thorough enquiry”.

4. Six months have passed but no fresh Investigation Report has been placed before this Tribunal to show what was the findings with regard to the gas leakage which leaked into the drain and became the cause of the incident resulting in the labours working in the Rourkela Steel Plant becoming unconscious.
5. We direct the Odisha State Pollution Control Board to file fresh affidavit within two weeks bringing on record the Report of the investigation.
6. The MoEF&CC in para 9 of its affidavit dated 31.08.2024 has referred to Rule 5 of the Manufacture, Storage And Import Of Hazardous Chemical Rules, 1989 (“Hazardous Chemical Rules” for short) which provides that the *“Occupier should notify about the major chemical accident to concerned authority and concerned authority shall undertake full analysis of accident report and sent to MoEF&CC as prescribed.”*
7. The affidavit of the Ministry of Environment, Forests and Climate Change (MoEF&CC) is silent as to whether the Report has been forwarded by the Rourkela Steel Plant (the Respondent No.5 herein) to the *“Concerned Authority”*.
8. We also find that the Central Pollution Control Board in its affidavit dated 26.11.2024, has merely referred to the Rules but has not placed before us any technical details as to whether in compliance of Rule 5 of the Manufacture, Storage And Import Of Hazardous Chemical Rules, 1989, Report has been submitted by the SAIL to the *“Concerned Authority”*.

9. We, therefore, direct the MoEF&CC and the Central Pollution Control Board to file fresh affidavit giving detailed facts.
10. **List on 25.02.2025.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 07, 2025,
Original Application No.157/2024/EZ
(Earlier O.A. No.771/2024/PB)
OM

COURT CASE-MOST URGENT



भारत सरकार / Government of India
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change
 क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar
 ए ३, चंद्रसेखरपुर / A/3, Chandrasekharpur
 भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023



Telephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File No. 107-579/2024/EPE

Date 14.03.2025

To,

**The Director of Factories & Boilers,
 Odisha, Kharvel Nagar,
 Bhubaneswar - 751001**

Subject: Submission of Report in O.A. No. 157 of 2024 (NGT Matter) - Reg.

Ref: Ministry's Letter No. HSM-11/32/2024-HSM dated 16.01.2025.

Sir/Madam,

With reference to the ongoing matter before the National Green Tribunal (NGT) in O.A. No. 157 of 2024, concerning the news item titled "*Odisha 9 hospitalized after suspected gas leak at Rourkela Steel Plant*" published in *The Times of India* dated 01.07.2024.

As per the NGT's order dated 07.01.2025, the Ministry of Environment, Forest & Climate Change (MoEF&CC) is required to submit a detailed report on the incident, including the full analysis of the accident as per Rule 5 of the Manufacture, Storage and Import of Hazardous Chemicals (MSIHC) Rules, 1989.

It has been observed that the Ministry has not yet received the necessary report from your office. The matter is scheduled for hearing on 07.04.2025, and the NGT has directed the MoEF&CC to file its affidavit by then.

In view of the urgency and importance of this matter, you are requested to provide the following at the earliest:

COURT CASE-MOST URGENT

1. A detailed report of the accident that occurred on 01.07.2024 at Rourkela Steel Plant.
2. The full analysis report of the accident as per Rule 5 of the MSIHC Rules, 1989.
3. Any other relevant documents or findings related to the incident.

The matter is of utmost priority, and any delay may result in adverse orders from the Hon'ble Tribunal. Kindly treat this matter with the highest urgency and ensure the submission of the required report at the earliest.

Yours faithfully,

Encl: As above



(TH Mahato)

Scientist E

Copy to:

1. Dr. Vinod Kumar Singh Scientist 'F'/Director Hazardous Substances Management Division
Ministry of Environment, Forest and Climate Change Room No. J-232, Jal Wing, 2nd Floor Indira
Paryavaran Bhawan, Jor Bagh New Delhi - 110003 Phone: 011- 20819342, for kind information

BY EMAIL

Government of Odisha

DIRECTORATE OF FACTORIES AND BOILERS, ODISHA.

KHARAVEL NAGAR, UNIT-3, BHUBANESWAR-751001, PH. NO. 2396070.

Letter No.DOFB-SC-CASE-0052-2024 ..106.7./ Dated,, the 13/03/2025

To

Shri Vinod Kumar Singh
Scientist 'F'MoEF&CC,
Indira Paryavaran Bhawan Jorbagh Road.
Aliganj New Delhi - 110003
EMAIL : vinodsingh.77 @gov.in

Sub: - OA No.157 of 2024 in the matter of News item titled "Ödisha 9 hospitalized after suspected gas leak at Rourkela Steel Plant" appearing in The Times of India dated 01.07.2024 before NGT (EZ) Kolkata-reg

Ref: - File No. HSM- 11/32/2024-HSM dated 16.01.2025.

Sir,

With reference to the subject cited above, I am to say that the matter was examined at this end and it was found that the said accident does not come within the definition of "**Major Accident**" as per rule 2(j) of the Manufacture, Storage and Import of Hazardous Chemicals Rules ,1989. Hence, this does not attract the provisions of Rule 5 of MSIHC Rules.

Letter No. BF/1054/HR-CIS dated 30.01.2025 of M/s Rourkela Steel Plant, At/PO. – Rourkela, Dist. – Sundargarh is also enclosed for reference.

This is for kind information and necessary action.

Enclosures: As above

Yours faithfully,

Director of Factories & Boilers, Odisha



Ref. No. BF/2054/HR-CIS

DL 29/01/2025
30

To
The Director of Factories & Boilers
Odisha
Bhubaneswar-751001

Sub: In the matter of News item titled "Odisha 9 hospitalized after suspected gas leak at Rourkela Steel Plant" appearing in the Times of India dtd-01-07-2024 before NGT(EZ) Kolkata- Reg .

Ref: L No-DOFB-SC-CASE-0052-2024/370 dtd-28-01-2025

Sir,

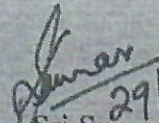
The subject incident was a localized gas leak from the U Seal of Blast Furnace and was arrested within a short period. Out of the 9 affected employees, one(1) joined duty back on 01st July'24 itself after being administered first Aid at Plant Occupational Health Service Centre and the rest eight(8) affected employees after treatment, were released from hospital the very next day and all joined duty within 48 hrs of the incident. Thus the incident was neither a reportable accident as per the Factories Act 1948 nor it violates Section -2(j) of MSIHC Rule-1989

However, with reference to the letter as above, we are enclosing herewith the following documents for your kind reference.

- i) Copy of the letter submitted to Asst. Director of Factories & Boilers, Rourkela on 02-7-2024 as **Annex-I&IA**
- ii) Copy of the detail investigation report of the incident as **Annex-II**
- iii) Details of action taken to prevent recurrence of such type of incidents as **Annex-III**.

This is for your kind information and record.
Regards

Yours faithfully
For SAIL/Rourkela Steel Plant
Manager under Factories Act.


29/01/25
Sri Sumeet Kumar
CGM (HOB/BF) (SAIL, Rourkela)
मुख्य महाप्रबंधक, ब्लास्ट फर्नेस
Chief General Manager, BF
सेल, रा.इ.सं./SAIL, RSP, Rourkela

Copy to:

1. Dy. Director of Factories & Boilers, Govt. of Orissa, Rourkela Division
2. Office copy