

**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.

For HATSUN AGRO PRODUCT LTD.


Authorised Signatory

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)

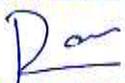
Objections to the Report filed by the Joint Committee dated 14.12.2020

I, Rajesh D.R., son of Mr. Ramakrishnan, aged about 42 years, Assistant General Manager – Legal of the 9th Respondent Company. The address for service of all notices and processes on the 9th 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 General Manager - Legal of the 9th 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 I have perused the report filed by the Joint Committee dated 14.12.2020 in compliance with the Hon'ble Tribunal's order dated 04.11.2020. As per the report, the Joint Committee has imposed an environmental compensation of Rs. 6,72,000/- on the 9th Respondent.
3. I respectfully submit that, as per the Joint Committee Report dated 14.12.2020 the number of days for which the violation took place is 28 days i.e. from 21.08.2020 to 17.09.2020. The ammonia leak at the 9th Respondent's unit took place for less than 15 minutes and the staff/ management were evacuated within 5 minutes. The leakage was only of 1 kg out of the total 800 kgs present in the ammonia receiver at the time of the incident. The 9th Respondent Company had also actively supported and assisted those who had been affected due to the leak in the unit and has 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 submit that upon receiving the Stop Production Order dated 21.08.2020, the 9th Respondent immediately undertook the necessary steps to ensure total compliance for reopening its unit and filed its compliance report on 26.08.2020. The APPCB (7th Respondent) reviewed the 9th Respondent's compliance report and revoked its Stop Production Order on 17.09.2020. Thus, the 9th Respondent and its staff had not just effectively tackled the accident at its unit but also immediately brought an end to the "violation" by carrying out the necessary compliance and reported the same to 7th Respondent on 26.08.2020.

For HATSUN AGRO PRODUCT LTD.


Authorised Signatory

5. I respectfully submit that the period for calculating the “*Number of Days Violation took place*” would be from 21.08.2021 (day of Stop Production Order) to 26.08.2020 (filing of compliance report) i.e. 6 days. The interim period between 26.08.2020 to 17.09.2020 during which the 7th Respondent reviewed the compliance report of the 9th Respondent may be excluded in computing the days when the violation took place. The 9th Respondent has taken various steps to not just protect but to also improve the environment in the concerned region.
6. I respectfully submit that the 9th Respondent acknowledges the importance of safeguarding the environment. In Chitoor, the 9th Respondent’s works in collaboration with 30000 to 40000 farmers and employs over 400 workers. The 9th Respondent acknowledges its responsibility towards the environment in the region. Apart from the compensation paid to its staff, the 9th Respondent has also undertaken various steps including developing 33% of the green belt and also planted 300 trees in the premises. Instead of using wood, the 9th Respondent uses only briquettes as advised by APPCB and its unit is also equipped with dust collectors. I respectfully submit that the 9th Respondent had also engaged a third party which conducted a Safety Audit for the hazardous chemicals in its premises to ensure no such accidents take place in the future.
7. I respectfully submit that the 9th Respondent would be put to great prejudice if further costs are imposed in relation to the accident at its unit. There was negligible 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.
8. I respectfully submit that environmental compensation of Rs.6,72,000/- on the 9th Respondent by the Joint Committee may be reduced by taking into consideration the aforementioned averments and the Reply Affidavit filed by the 9th Respondent dated 19.02.2020.

In these circumstances, the 9th Respondent most humbly prays that this Hon’ble Tribunal may be pleased to reconsider the environmental compensation imposed by the Joint Committee vide its report dated 14.12.2020 and thus render justice.

For HATSUN AGRO PRODUCT LTD.



Authorised Signatory

DEPONENT

 PRASHANT ALAI
E.No. 2597/2019

BEFORE ME

No. 61-63, R.K. SALAI, MYLAPORE,
CHENNAI - 04

ADVOCATE:CHENNAI

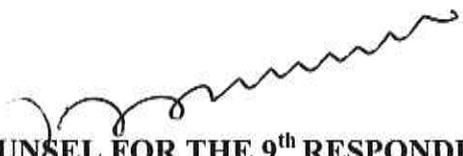
LIST OF ADDITIONAL DOCUMENTS FILED BY THE 9th RESPONDENT

S.NO.	DATE	DESCRIPTION
1.	NIL	Details of Compliance
2.	16.09.2020	Letter Pollution Control Board

Dated at Chennai on this 20th day of February, 2021

For HATSUN AGRO PRODUCT LTD.


Authorised Signatory


COUNSEL FOR THE 9th RESPONDENT

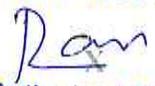
DEPONENT

VERIFICATION

I, Rajesh D.R., son of Mr. Ramakrishnan, aged about 42 years, Assistant General Manager - Legal, in the 9th Respondent and authorized signatory, do hereby verify and declare that what are all stated above are true to the best of my knowledge and belief.

Dated at Chennai on 20th day of February 2021.

For HATSUN AGRO PRODUCT LTD.


Authorised Signatory

DEPONENT

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

O.A. No. 162 of 2020

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... Applicant

Vs.

Union of India & Ors.

... Respondents

**Objections to Report filed by Joint
Committee dated 14.12.2020**

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