

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTH ZONE BENCH, CHENNAI

IN THE MATTER OF ORIGINAL APPLICATION NO. 229/2020(SZ)

Tribunal on its own motion-SUO MOTU

Versus

Union of India and Ors.

....Respondents

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Place: Bengaluru
Date 14/07/2021

S. Suresh
14/7/2021
(S Suresh)

Regional Director
Central Pollution Control Board
Regional Directorate, Bengaluru



S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

Filed through Counsel

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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IN THE MATTER OF ORIGINAL APPLICATION NO. 229/2020(SZ)

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REPLY AFFIDAVIT ON BEHALF OF CPCB, RESPONDENT NO 2.

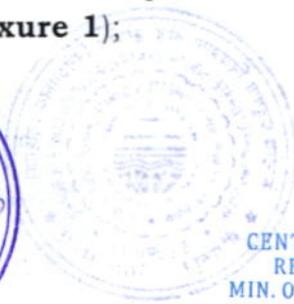
I, S. Suresh, son of Sh. S. R. Sathyanarayana, aged about 59 years and having office at Regional Directorate, Central Pollution Control Board, 1st & 2nd Floors, Nisarga Bhavan, A- Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru - 560 079 do hereby solemnly affirm and state as under;

That, I am presently working as Scientist 'E' and Regional Director, Regional Directorate (South), Central Pollution Control Board (hereinafter referred to as CPCB) and authorised to file the present affidavit on behalf of respondent number 2 in the matter, the Central Pollution Control Board.

That, I am fully conversant with the facts of the case and hence, competent and authorised to depose and swear this counter affidavit.

That, this Hon'ble Tribunal had registered the original application No. 229 of 2021 taking SUO MOTU cognizance, based on the News item in the New Indian Express Newspaper, E-paper Edition dated 03.10.2020 "Gas turbine explodes at Power plant, 15 injured."

That, while hearing the matter on 20.09.2020 the Tribunal had issued the following directions, as per the order uploaded at NGT website on 03.11.2020 (copy attached as **Annexure 1**);



S. Suresh
19/11/2021
S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128

“.....So, in order to ascertain the nature of damage caused, how far it has affected an environment and what are all the defaults committed by the 5th respondent in carrying out the project, violations if any, committed and what are all the action taken by the regulating authorities in respect of the incident and also giving suggestions and recommendations for avoiding such incident in future and if there is any violation, what is the action taken including the imposition of environmental compensation, we feel it appropriate to appoint a joint committee comprising of 1) a Senior Scientist from Ministry of Environment, Forests and Climate Change, Regional Office, Bangalore, 2) a Senior Scientist from Central Pollution Control Board (CPCB), Regional Office, Bangalore, 3) a Senior Scientist from the Karnataka State Pollution Control Board (KSPCB), 4) a Senior Engineer dealing boiler technology from Bharat Heavy Electricals Limited (BHEL), Bangalore, 5) the District Collector, Bengaluru Urban District, Bengaluru or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by the District Collector and 6) a Senior Professor dealing with Boiler Technology Engineering from National Institute of Technology (NIT), Surathkal, Karnataka and 7) a Senior Scientist from Central Power Research Institute (CPRI), Regional Office, Bangalore to inspect the area in question and submit a factual as well as action taken report, if there is any violation found.”

That, in compliance to the Hon'ble Tribunal's directions in the matter, an officer from CPCB, Regional Directorate, Bengaluru was nominated as the member of the Joint Committee, and nominations were sought from other member organizations.

That, the Joint Committee had its preliminary meeting on 23.11.2020 through Video Conferencing and subsequently, the site visit at M/s KPCL Power Plant, Yelahanka was carried out by the Committee on 04.12.2020. All Committee members, except for the District Collector or his representative were present during the meeting and the visit.



S. Suresh
 S. SURESH 14/12/2021
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE (SOUTH)
 MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
 BENGALURU - 560 079. MOB : 9480672128

That, the Joint Committee had detailed deliberations with the concerned stakeholders regarding the fire incident, events leading to it, damages incurred and the steps taken to control such incidents and finalised the factual as well as action taken report, as directed by the Hon'ble Tribunal. The report covered all aspects including the nature of damage caused, how far it affected the environment, defaults committed by project proponents, actions taken by the regulating authorities, suggestions and recommendations for avoiding such incidents and an assessment of environmental compensation.

That, the Joint Committee report with all necessary annexure was submitted before the Hon'ble on **16.04.2021** through e-filing.

That, as per the available records made available to CPCB and the Joint Committee members, it has to be inferred that the incident, even though quite unfortunate, was a fire accident which happened during the commissioning activities of the power plant and was mainly confined to the Gas Turbine compartment of the power plant. The loss of human life and injuries to personnel happened mainly due to lack of adherence to safety protocols.

That, the related departments including the department of Factories, Boilers, Industrial safety and Health, Govt. of Karnataka also initiated actions and issued directions for corrective measures, which have been detailed in the Joint Committee report.

That an expert RCA (Root cause analysis) Committee, having technical expertise in the field also conducted its analysis and submitted its report with recommendations for avoiding such incidents. The Joint Committee considered this report and also made independent recommendations covering this aspect.

That, the effect of such fire accident on the surrounding environment shall be largely limited to the emissions released to the environment by burning of materials and increase in the ambient noise levels, which has been detailed in the Joint Committee report and environmental cost has been estimated by the Committee.



S. Suresh
S. SURESH 14/2/2021
 REGIONAL DIRECTOR
 CENTRAL POLLUTION CONTROL BOARD
 REGIONAL DIRECTORATE (SOUTH)
 MIN. OF ENV. FORESTS & CC, GOVT. OF INDIA
 BENGALURU - 560 079. MOB : 9480672128

That, the Hon'ble Tribunal may consider the recommendations made in the Joint Committee report, which are not reproduced here for the sake of brevity, and may issue appropriate directions as deemed fit by the Hon'ble Tribunal.

It is respectfully submitted that this answering respondent shall abide with any directions passed by this Hon'ble Tribunal.

VERIFICATION

I, S. Suresh, Scientist 'E' and Regional Director, Regional Directorate, Central Pollution Control Board, Bengaluru do hereby verify that, the contents of the above affidavit are true and correct to my knowledge based on official records, no part of it is false and nothing material has been concealed there from.

Verified at Bengaluru on this day of 14th July, 2021.

S. Suresh
14/7/2021
DEPONENT



S. SURESH
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE (SOUTH)
MIN. OF ENV, FORESTS & CC, GOVT. OF INDIA
BENGALURU - 560 079. MOB : 9480672128



Item No.34:**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI****Original Application No. 229 of 2020 (SZ)**

(Through Video Conference)

IN THE MATTER OF

Tribunal on its own motion-SUO MOTU

Based on the News item in the New Indian Express Newspaper,
E-paper Edition dated 03.10.2020, "Gas turbine explodes at
Power plant, 15 injured."

...Applicant(s)

Versus

- 1) Union of India,
Rep. by its Secretary,
Ministry of Environment and Forests and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi – 110 003.
- 2) Central Pollution Control Board,
Rep. by its Chairman,
'Parivesh Bhawan', East Arjun Nagar,
Shahdara, Delhi – 110 032.
- 3) The Principal Secretary to Govt. of Karnataka,
Forest, Environment and Ecology Department,
Government Secretariat, Room No.708,
7th Floor, Gate No.4, M.S. Building,
Bangalore – 560 001.
- 4) Karnataka State Pollution Control Board,
Rep. by its Chairman,

“Parisara Bhawan”, #49, 4th & 5th Floor,
Church Street, Bangalore – 560 001.

- 5) Karnataka Power Corporation Limited,
Rep. by its Managing Director,
No.82, Shakti Bhavan,
Race Course Road, Bangalore - 560 001.
- 6) The Deputy Commissioner & District Magistrate,
Bengaluru Urban District,
Kempegowda Road, Behind Kandaya Bhavana,
Bengaluru Urban District, Bengaluru – 560 009.
- 7) Bruhat Bengaluru Mahanagara Palike,
Rep. by its Commissioner,
Head Office, Corporation Circle,
Hudson Circle, Bangalore – 560 002.

...Respondent(s)

Date of hearing: 20.10.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): By Court.

For Respondent(s): Sri. Tirunavukarasu for R2
Sri. Darpan for R3 and R6
Sri Gokul Krishnan for R4
Sri. Sathish Parasaran, Sr. Adv. along with
Sri. Ajay Natalike for R5
Sri. T.V. Sekar for R7

ORDER

1. The above case has been Suo Motu registered by this Tribunal on the basis of the news paper report published in The New Indian Express, E-paper edition dated, 03.10.2020 under the caption **“Gas turbine explodes at power plant, 15 injured”**.
2. It is alleged in the paper report that an undetected oil leak caused a blast, leading to a fire, in the gas turbine chamber at Yelahanka Gas Power Plant of the Karnataka Power Corporation Limited (KPCL) in Yelahanka New Town around 03.30 A.M. on Friday. Fifteen Karnataka Power Corporation Limited (KPCL) employees, 11 of them ground engineers and an Executive Engineer, sustained burns.
3. The power plant was to start generating 20-30 MW of power on Friday and supply to the grid. The capacity of the plant is 370 MW and Bharat Heavy Electricals Limited (BHEL) was executing the project for which General Electric (GE) is supplying Compressed Natural Gas (CNG).
4. It is also alleged in the report that some criminal case has been registered in respect of this incident before Yelahanka Police Station and the investigation is going on.
5. It is also alleged that the Engineer-in charge of that project site said that although the damage is not yet assessed the site has been closed and they were not aware when it will be opened. It

is also alleged that a detailed enquiry into the matter has been ordered to ascertain how the incident occurred as well as the extent of damage caused and until then, the work on the site has been stopped delaying generation of the electricity from the unit.

6. When the matter came up for hearing for admission today through Video Conference, Sri. Tirunavukarasu entered appearance for 2nd respondent, Sri. Darpan entered appearance for respondents 3 and 6, Sri Gokul Krishnan represented 4th respondent, Sri. Sathish Parasaran, Senior Counsel along with Sri. Ajay Natalike represented 5th respondent and Sri. T.V. Sekar represented 7th respondent.
7. On going through the allegations in the paper report, we are satisfied that there arises a substantial question of environment which requires the interference of this Tribunal for resolving the same. So, the matter is admitted.
8. Since respondents 2 to 7 have entered appearance through standing counsel, we have dispensed with notice to them.
9. The office is directed to issue notice to respondents by e-mail along with the copy of this order and the paper report and the gist of the proceedings with full cause title, so as to enable them to appear and submit their independent response regarding the incident.

10. So, in order to ascertain the nature of damage caused, how far it has affected an environment and what are all the defaults committed by the 5th respondent in carrying out the project, violations if any, committed and what are all the action taken by the regulating authorities in respect of the incident and also giving suggestions and recommendations for avoiding such incident in future and if there is any violation, what is the action taken including the imposition of environmental compensation, we feel it appropriate to appoint a joint committee comprising of **1)** a Senior Scientist from Ministry of Environment, Forests and Climate Change, Regional Office, Bangalore, **2)** a Senior Scientist from Central Pollution Control Board (CPCB), Regional Office, Bangalore, **3)** a Senior Scientist from the Karnataka State Pollution Control Board (KSPCB), **4)** a Senior Engineer dealing boiler technology from Bharat Heavy Electricals Limited (BHEL), Bangalore, **5)** the District Collector, Bengaluru Urban District, Bengaluru or a Senior Officer not below the rank of Assistant Collector or Sub Divisional Magistrate deputed by the District Collector and **6)** a Senior Professor dealing with Boiler Technology Engineering from National Institute of Technology (NIT), Surathkal, Karnataka and **7)** a Senior Scientist from Central Power Research Institute (CPRI), Regional Office, Bangalore to inspect the area in question and submit a factual

as well as action taken report, if there is any violation found.

11. The Central Pollution Control Board (CPCB) will be the nodal agency for co-ordination and for providing all necessary logistics for this purpose.
12. The committee is directed to submit the report to this Tribunal on or before 26.11.2020 by e-filing along with required hard copies to be produced as per rules.
13. The Registry is directed to communicate this order to the members of the committee and also to all the respondents immediately by e-mail, along with the copy of the paper report and the gist of Suo – Motu proceedings with full cause title, so as to enable them to comply with the direction and also to file their independent responses regarding the allegations made in the paper report before the next hearing date without delay.
14. For appearance of parties, completion of pleadings and also for consideration of report, post on 26.11.2020.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A. No.229/2020
20th October 2020. Sr.