

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 73 OF 2020

IN THE MATTER OF:

In Re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village in  
Andhra Pradesh

LG Polymers India Pvt Ltd.

... Respondent

AFFIDAVIT ON BEHALF OF L.G. POLYMERS INDIA PRIVATE LIMITED

Filed through:



(ANUJ BERRY)

SHARDUL AMARCHAND MANGALDAS & CO.  
ADVOCATE FOR THE ANSWERING RESPONDENT  
216 AMARCHAND TOWERS, OKHLA INDUSTRIAL PHASE III,  
NEW DELHI – 110020

[anuj.berry@amsshardul.com](mailto:anuj.berry@amsshardul.com); +91 9810025473

PLACE: NEW DELHI

DATED: 16 DECEMBER 2020

## INDEX

S No	Particulars	Page no
1.	Affidavit on behalf of L.G. Polymers India Pvt Ltd	1 - 3
2.	A copy of the orders dated 29.10.2020, 16.11.2020 and 18.11.2020 issued by the Supreme Court in Civil Appeal No. 2816 of 2020, Civil Appeal No. 2665 of 2020 and SLP(C) No. 10117-10119 of 2020	4 - 9

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 73 OF 2020



IN THE MATTER OF:

In Re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village  
in Andhra Pradesh

LG Polymers India Pvt Ltd.

... Respondent

AFFIDAVIT ON BEHALF OF L.G. POLYMERS INDIA PRIVATE LIMITED

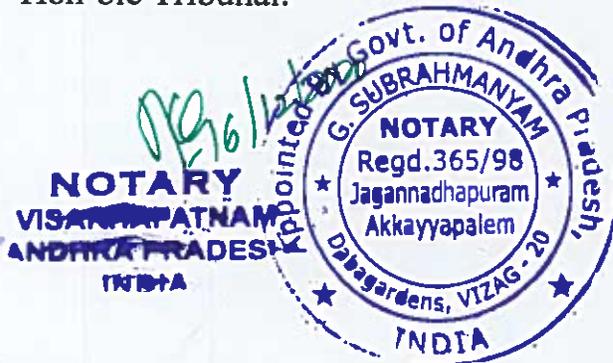
I, P. Arun Kumar, son of Mr. P. Bhaskar Rao, aged about 50 years, working as the Dy. Manager – Legal with L.G. Polymers India Private Limited having my office at R.R. Venkatapuram, Visakhapatnam – 530029, presently at Visakhapatnam, do hereby solemnly affirm and state as under:

1. That I am the Authorized Signatory of LG Polymers India Pvt. Ltd. ("LGPI") and I am duly authorized to execute this affidavit on behalf of LGPI.
2. At the outset, it is submitted that the present affidavit is being filed without prejudice to the appeals filed by LGPI before the Hon'ble Supreme Court of India being Civil Appeal No. 2816 of 2020 and Civil Appeal No. 2665 of 2020 ("Supreme Court Appeals"). In fact, vide the order dated 29.10.2020, the Hon'ble Supreme Court has directed this Hon'ble Tribunal "*to defer the hearing of the matter till further orders by this Court..*". The Supreme Court Appeals are listed on 16.12.2020. A copy of the order dated 29.10.2020 issued in the Supreme Court Appeals has been placed before this Hon'ble Tribunal vide an affidavit dated 06.11.2020. For convenience, a copy of the orders dated 29.10.2020, 16.11.2020 and 18.11.2020 passed in the Supreme Court Appeals are enclosed as Annexure A.

*16/12/2020*  
**NOTARY**  
**VISAKHAPATNAM**  
**ANDHRA PRADESH**  
**INDIA**

*P. Arun Kumar*  
**P. Arun Kumar**  
**Authorised Official**  
**LG Polymers India Pvt. Ltd.**  
**R.R.Venkatapuram, Visakhapatnam-530029**

3. Accordingly, the present affidavit is being filed by way of abundant caution to place on record relevant facts.
4. Vide an order dated 01.06.2020, this Hon'ble Tribunal had issued directions *inter-alia* to the Ministry of Environment Forests and Climate Change ("MoEFCC") to prepare certain plans / reports.
5. Till date, LGPI and/or its counsels have not been served with any report(s) or recommendation(s) or restoration plan(s) as indicated in the order dated 01.06.2020 issued by this Hon'ble Tribunal, by any Respondent, including the MoEFCC and the Central Pollution Control Board.
6. On 15.12.2020 at around 17:34pm, the counsel appearing for MoEFCC in the Hon'ble Supreme Court of India served on the counsels appearing for LGPI an affidavit dated 15.12.2020 filed in Civil Appeal No. 2665 of 2020 ("MoEFCC SC Affidavit"). The affidavit and accompanying annexures run into nearly 440 pages
7. Upon a perusal of the MoEFCC SC Affidavit, LGPI is given to understand that MoEFCC may have filed an 'undated' affidavit before this Hon'ble Tribunal seeking to, inter alia, apprise this Hon'ble Tribunal about the status of the actions undertaken by MoEFCC in response to the directions issued by this Hon'ble Tribunal vide order dated 01.06.2020 ("Undated MoEFCC Affidavit").
8. It may be pertinent to note that neither the Undated MoEFCC Affidavit nor any of its enclosures have ever been served on LGPI or its counsels at anytime prior to 15.12.2020 (17:34pm) and/or were available for download on the website of this Hon'ble Tribunal. Accordingly, LGPI is not even sure if this Undated MoEFCC Affidavit forms a part of the record before this Hon'ble Tribunal.





P. Arun Kumar  
Authorised Official  
LG Polymers India Pvt. Ltd.  
R.R.Venkatapuram, Visakhapatnam-530029

9. Therefore, neither has LGPI had any time to review the Undated MoEFCC Affidavit and accompanying documents purportedly filed by MoEFCC before this Hon'ble Tribunal nor has LGPI filed any response to the said affidavit or its accompanying documents.
10. In compliance with the directions of the Hon'ble Supreme Court of India, LGPI had filed its response to the reports of the Committee constituted by this Hon'ble Tribunal vide an affidavit dated 09.11.2020.
11. We reserve our rights to file a response to the Undated MoEFCC Affidavit before this Hon'ble Tribunal. Separately, this Hon'ble Tribunal may also direct the Respondents to effect service of all pleadings/ reports/ recommendations filed/ proposed to be filed in the present matter on LGPI to provide a fair opportunity to LGPI to provide its responses to such pleadings/ reports/ recommendations, if so required.
12. It is stated that the facts stated in the present Affidavit are true to the best of my knowledge as per the records of the case and the submissions made therein are based on legal advice received by me and believed to be true and correct.
13. No prejudice shall be caused to any Respondent if the present affidavit is taken on record.



**P. Arun Kumar**  
 Authorised Official  
 LG Polymers India Pvt. Ltd.  
 R.R.Venkatapuram, Visakhapatnam-530029

**DEPONENT**

**VERIFICATION:**

I, the Deponent above named, do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Vishakhapatnam on this 16 day of December, 2020.



**P. Arun Kumar**  
 Authorised Official  
 LG Polymers India Pvt. Ltd.  
 R.R.Venkatapuram, Visakhapatnam-530029

**GANTI SUBRAHMANYAM**  
 ADVOCATE & NOTARY  
 45-35-26/1, Sri Sai Residency  
 Jagannadhapuram, Akkayyapalem  
 VISAKHAPATNAM -530 016  
**INDIA**

**NOTARY**

**DEPONENT**

**VISAKHAPATNAM**  
**ANDHRA PRADESH**  
**INDIA**

ANNEXURE - A

ITEM NO.6 Court 4 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2816/2020

LG POLYMERS INDIA PRIVATE LIMITED Appellant(s)

VERSUS

ANDHRA PRADESH POLLUTION CONTROL BOARD & ORS. Respondent(s)

( IA No. 69139/2020 - EX-PARTE STAY  
IA No. 69140/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 52395/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 69138/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 50073/2020 - INTERVENTION/IMPLEADMENT  
IA No. 69141/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 52391/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 69142/2020 - PERMISSION TO PLACE ON RECORD SUBSEQUENT  
FACTS)

WITH

C.A. No. 2665/2020 (XVII)  
(IA No. 57476/2020 - EX-PARTE STAY)

Date : 29-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s) Mr. Mukul Rohatgi, Senior Advocate  
Mr Shyam Divan, Senior Advocate  
Mr Anuj Berry, Advocate  
Mr. Aashish Gupta, Advocate  
Mr Chaitanya Safaya, Advocate  
Mr P S S Bhargava Advocate  
Mr Shardul S Shroff Advocate on Record

Signature Not Verified

Digitally signed by Dr.  
Mukesh Nair  
Date: 2020.11.02  
15:00:15 IST  
Reason: I am the author

For Respondent(s) Mr. Nikhil Nayyar, Sr. Adv.  
Mr. T. V. S. Raghavendra Sreyas, AOR  
Ms. Sugandha Batra, Adv.  
Mr. Siddharth Vasudev, Adv.

Mr. Saurabh Mishra, AOR

Ms. Aishwarya Bhati, Sr. Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Shovan Mishra, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Mr. Mukul Rohatgi, learned Senior Advocate for the appellants submits that the Report of the Committee having been uploaded on 28.05.2020 and the matter having been listed on 01.06.2020, appropriate response to the said Report could not be filed by the appellant.

In the circumstances, we give an opportunity to the appellant to file response to the Report of the Committee within 10 days from today.

Let a copy of the reply to the report be also placed on record before this Court.

Mr. Rohatgi, learned Senior Advocate further submits that the matter is posted before the NGT on 03.11.2020.

Considering the fact that this Court is now seized of the matter, we direct the NGT to defer the hearing of the matter till further orders by this Court.

List these matters alongwith SLP(C)Nos.10117-10119/2020 on 16.11.2020 at the end of the Board before the appropriate Court.

(INDU MARWAH)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

ITEM NO.28

COURT NO.3                      SECTION XVII  
(HEARING THROUGH VIDEO CONFERENCING)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.2816/2020

LG POLYMERS INDIA PRIVATE LIMITED

Appellant(s)

VERSUS

ANDHRA PRADESH POLLUTION CONTROL BOARD &amp; ORS.

Respondent(s)

(IA No.69139/2020 - FOR EX-PARTE STAY; IA No.69140/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.52395/2020 - FOR EXEMPTION FROM FILING AFFIDAVIT; IA No.69138/2020 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No.50073/2020 - FOR INTERVENTION/IMPLEADMENT; IA No.69141/2020 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES; IA No.52391/2020 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES; and, IA No.69142/2020 - FOR PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

WITH

SLP(C) Nos. 10117-10119/2020 (XII-A)  
(FOR ADMISSION and I.R.)

C.A. No. 2665/2020 (XVII)  
(IA No.57476/2020 - FOR EX-PARTE STAY)

Date : 16-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the Parties:

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Shyam Divan, Sr. Adv.  
Mr. Anuj Berry, Adv.  
Mr. Aashish Gupta, Adv.  
Mr. Chaitanya Safaya, Adv.  
Mr. PSS Bhargava, Adv.  
Mr. S. S. Shroff, AOR

Ms. Aishwarya Bhati, ASG  
Mr. Gurmeet Singh Makker, AOR  
Mr. Ashish Rana, Adv.  
Mr. Shovan Mishra, Adv.

Signature Not Verified  
Digitally signed by Dr.  
Mukesh N  
Date: 2020.11.16  
18:23:27 IST  
Reason:

Mr. T. V. S. Raghavendra Sreyas, AOR

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Polanki Gowtham, Adv.

Mr. Amitabh Sinha, Adv.

Mr. Shrey Sharma, Adv.

Mr. Saurabh Mishra, AOR

Mr. Onkar Singh, Adv.

Mr. Rakesh Chander, Adv.

Mr. Arun Verma, Adv.

Ms. Neha Tripathi, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

List on 18.11.2020.

(MUKESH NASA)  
COURT MASTER

(BEENA JOLLY)  
BRANCH OFFICER

ITEM NO.47 Court 3 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 2816/2020

LG POLYMERS INDIA PRIVATE LIMITED

Appellant(s)

VERSUS

ANDHRA PRADESH POLLUTION CONTROL BOARD & ORS.

Respondent(s)

(IA No.69138/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69139/2020-EX-PARTE STAY and IA No.52395/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.69140/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.50073/2020-INTERVENTION/IMPLEADMENT and IA No.69142/2020-PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS and IA No.69141/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES and IA No.52391/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES )

WITH

SLP(C) No. 10117-10119/2020 (XII-A)  
(FOR ADMISSION and I.R.)

C.A. No. 2665/2020 (XVII)  
(IA No. 57476/2020 - EX-PARTE STAY)

Date : 18-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

Counsel for the Parties:

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Shyam Divan, Sr. Adv.  
Mr. Anuj Berry, Adv.  
Mr. Aashish Gupta, Adv.  
Mr. Chaitanya Safaya, Adv.  
Mr. PSS Bhargava, Adv.  
Mr. S. S. Shroff, AOR

Ms. Aishwarya Bhati, ASG  
Mr. Gurmeet Singh Makker, AOR  
Mr. Ashish Rana, Adv.  
Mr. Shovan Mishra, Adv.

Mr. Nikhil Nayyar, Sr. Advocate  
Mr. TVS Raghavendra Sreyas, AOR  
Ms. Sugandha Batra, Adv.  
Mr. Siddharth Vasudev, Adv.  
Ms. Gayatri Gulati, Adv.

Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Polanki Gowtham, Adv.  
Mr. Amitabh Sinha, Adv.  
Mr. Shrey Sharma, Adv.

Mr. Saurabh Mishra, AOR  
Mr. Onkar Singh, Adv.  
Ms. Samridhi Pal, Adv.  
Mr. Arun Verma, Adv.  
Ms. Neha Tripathi, Adv.

Mr. Rakesh Chander, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

List on 16.12.2020.

(INDU MARWAH)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)