

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 2 OF 2025 (WZ)

IN THE MATTER OF:

SHRI ASHUTOSH KUMAR

... APPLICANT

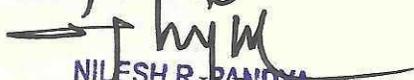
VERSUS

GUJARAT FLUROCHEMICALS
LIMITED & ORS.

...RESPONDENT

BOOK NO. -01-
PAGE NO. -40-
SR. NO. 164-
DATE 04/02/2026

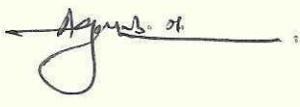
**ADDITIONAL AFFIDAVIT ON BEHALF OF GUJARAT
POLLUTION CONTROL BOARD**


NILESH R. PANDYA
NOTARY
GOVT. OF INDIA

D. S. N. Agravat, adult, having my office at Gandhinagar, do hereby
solemnly affirm and state an oath as under:

U 4 FEB 2026

1. I am presently serving as Senior environment scientist with Gujarat Pollution Control Board. I have perused the record pertaining to the case available in my office and am conversant with the facts of the case. I am authorized to swear the present affidavit on behalf of the Gujarat Pollution Control Board and am otherwise competent to make the present affidavit.
2. I am filing the present affidavit in compliance with order dated 27.10.2025 for placing on record the details and manner in which the interim environment damage compensation of Rs. 1 crore levied on the erring unit has been calculated.
3. I say that the interim environment damage compensation has been levied on account of unfortunate gas leak incident which occurred on 28.12.2024 in the premises of the respondent no. 1 unit. The leakage from the isolation valve of the unit claimed the life of four persons who



died in the unfortunate incident and caused injuries to two other persons.

4. I say that the compensation has been levied by the Board on the basis of its policy which is based on judicial precedents of this Hon'ble Court. I say that as Circular dated 07.07.2020 issued by the Gujarat Pollution Control Board, the respondent no. 1 unit qualifies as a large-scale unit as it has invested an amount of more than 50 crores in plant and machinery. A copy of circular dated 07.07.2020 and certificate issued by the Chartered Accountant as was submitted by respondent no. 1 reflecting the project cost is annexed herewith and marked as **Annexure-A (colly)**.
5. I say that in cases of industrial accident in large-scale unit, as per the environment damage compensation policy of the Gujarat Pollution Control Board which is based on judicial precedents and Guidelines issued by the Central Pollution Control Board, an amount of Rs. 1 crore is leviable. This Board had imposed above mentioned amount of EDC based upon the Office Order dated 05/12/2024 regarding Environment Compensation (EC) Guidelines for Industrial Fire and Gas Leak accident cases.
6. I say that the specific condition no. 2 of the Office Order dated 05/12/2024 impleads that, "In case of death (fatality) reported due to accident or offsite emergency declared interim EDC shall be applicable as Rs. 10 Lakh for micro scale, Rs. 25 Lakh for small scale, Rs. 50 Lakh for medium scale and Rs. 1 Crore for large scale industries as per the existing guidelines." The copy of GPCB Environmental Compensation Guidelines and Office Order dated 05/12/2024 are collectively annexed herewith and marked as **Annexure-B (colly)**.
7. I say that based upon the enclosed Annexure-A, respondent no. 1 unit is a large-scale industry with investment of more than 50 crores and noted death of 4 persons due to gas leakage accident, this Board had considered the Specific condition no. 2 of the Office Order dated 05/12/2024, interim EDC of Rs. 1 Crore was levied vide direction dated 03/01/2025. The copy of direction dated 03/01/2025 is annexed herewith and marked as **Annexure-C**.



[Handwritten signature]

8. I say that in view of the above-legal position the compensation levied in just and proper and in accordance with law.



[Signature]
DEPONENT

VERIFICATION

Verified at Gandhinagar on this 4th day of February, 2026 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

[Signature]
DEPONENT



IDENTIFIED BY ME

SOLEMNLY AFFIRMED
BEFORE ME

ADVOCATE/PERSON

NAME : *M. B. Vhal*

ADD. : *GANDHINAGAR*

DATE : *04/02/26*

04 FEB 2026

[Signature]

NILESH R. PANDYA

NOTARY

GOVT. OF INDIA

04 FEB 2026



1939

Annexure-A (colly)

ગુજરાત પ્રદુષણ નિયંત્રણ બોર્ડ

વડી કચેરી, ગાંધીનગર.

કાર્યાલય આદેશ

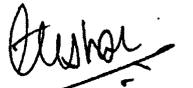
વિષય:- ઉદ્યોગોનું વર્ગીકરણ કરવા બાબત

સંદર્ભ :- કાર્યાલય આદેશ નં.ગુ.પ્ર.નિ.બોર્ડ/લીગલ-૬૭(૪)/૧૪૦૯૪ તા-૯-૫-૨૦૦૭

કેન્દ્ર સરકાર ધ્વારા હાલમાં ઉદ્યોગોનું વર્ગીકરણ તા-૦૧-૦૬-૨૦૨૦થી કરી માઇક્રો, સ્મોલ, અને મિડીયમ એન્ટરપ્રાઇઝ ડેવલોપમેન્ટ એક્ટ ૨૦૦૬ મુજબના અગાઉના નોટીફિકેશનને રદ કરેલ છે. જે અંગે બોર્ડ ધ્વારા અગાઉના સંદર્ભીત કાર્યાલય આદેશ નં.ગુ.પ્ર.નિ.બોર્ડ/લીગલ-૬૭(૪)/૧૪૦૯૪ તા-૯-૫-૨૦૦૭ કરીને તે સમયે વર્ગીકરણ અપનાવવામાં આવેલ. કેન્દ્ર સરકાર દ્વારા હાલમાં માઇક્રો, સ્મોલ, અને મિડીયમ એન્ટરપ્રાઇઝ ડેવલોપમેન્ટ એક્ટ ૨૦૦૬ મુજબ ઉદ્યોગોનું વર્ગીકરણ કરી તા-૧-૦૬-૨૦૨૦ના અધિસૂચનથી જાહેર કરેલ છે. જે તા-૧-૭-૨૦૨૦ થી અમલમાં આવેલ છે. જેને અનુલક્ષીને બોર્ડની કાર્યવાહીમાં ઉદ્યોગોનું વર્ગીકરણ અપનાવવું જરૂરી છે. જે અંગે નીચે મુજબ સુધારા કરવા અંગેની દરખાસ્ત બોર્ડની તા.૨૫/૦૬/૨૦૨૦ના રોજની બોર્ડની ૨૫૪મી બેઠકમાં મંજૂર થયેલ છે. તે મુજબ ઉદ્યોગોનું વર્ગીકરણ નીચે પ્રમાણે છે.

ક્રમ	એકમનો પ્રકાર	અગાઉના કાર્યાલય આદેશ મુજબ રોકાણ	નવા વર્ગીકરણ મુજબ પ્લાન્ટ અને મશીનરીમાં રોકાણ
૧	માઇક્રો એન્ટરપ્રાઇઝ	રૂ.૨૫ લાખ સુધી	રૂ.૧ કરોડ સુધી
૨	સ્મોલ એન્ટરપ્રાઇઝ	રૂ.૨૫ લાખથી વધુ અને રૂ.૫ કરોડ સુધી	રૂ.૧ કરોડથી વધુ અને રૂ.૧૦ કરોડ સુધી
૩	મિડીયમ એન્ટરપ્રાઇઝ	રૂ.૫ કરોડથી વધુ અને રૂ.૧૦ કરોડ સુધી	રૂ.૧૦ કરોડથી વધુ અને રૂ.૫૦ કરોડ સુધી
૪	બીગ એન્ટરપ્રાઇઝ	રૂ.૧૦ કરોડથી વધુ	રૂ.૫૦ કરોડથી વધુ

ઉપર દર્શાવ્યા મુજબનું વર્ગીકરણ અપનાવવા અંગેના આ હુકમનો અમલ તાત્કાલીક અસરથી કરવાનો રહેશે.


(એ.વી. શાહ)
સભ્યસચિવ

નં: ગુ.પ્ર.નિ. બોર્ડ/લીગલ-જન-૬૭(૭)/ ૬૬૩૩૦૬
નકલ રવાના- ૧. મા.અધ્યક્ષશ્રીના અંગત સચિવશ્રી

07 JUL 2020

૨. મા.સભ્યસચિવના અંગત સચિવશ્રી
૩. દરેક યુનિટ હેડશ્રી તથા દરેક પ્રાદેશિક અધિકારીશ્રી
૪. આઇ.ટી.સેલ

Annexure-B (Colly)

GPCB Environmental Compensation Guidelines

Hon'ble National Green Tribunal (NGT) has issued the direction in several cases to impose the penalty on the non-complying polluting units to GPCB and also directed Central Pollution Control Board (CPCB) to take penal action for failure and recover the compensation for damage to the environment.

Following the directions, CPCB, New Delhi has issued "Report of the Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund" (CPCB Methodology).

Further for the Bio-Medical Waste Management Rules, 2016, the CPCB has published Guidelines for "Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities".

Gujarat Pollution Control Board's Environmental Compensation Guidelines to be followed in the Gujarat State are as under:

1. Cases to be considered for levying Environmental Compensation (EC):

- a) Discharges in violation of consent conditions, mainly prescribed standards/ consent limits.
- b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
- e) Intentional discharges to the environment -- land, water and air resulting into acute injury or damage to the environment. (Here, it also includes discharge of spent acid, hazardous wastes or untreated effluent through tanker or other media into water body, dumping of hazardous wastes etc.)

- f) Injection of treated/partially treated/ untreated effluents to ground water. (here, it also includes illegal discharge of effluent or hazardous wastes into underground water strata i.e. through wells, bore-well, reverse boring etc) excluding permitted activity.

2. Assessment for levying EC for cases mentioned at point no. 1(a) to 1(c):

2.1 For the cases mentioned at point number a) to c) of point no.1, assessment of Environmental Compensation shall be calculated as per formula as mentioned in Para number 1.3 of CPCB Methodology, which is as under:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in Rs.

PI = Pollution Index of industrial sector

N = Number of days of violation took place

(here, factor "N" = Number of Days

Starting from the date of inspection based on which direction issued or the due date of directions,

Ending to the date of inspection of compliance verification or date of power disconnection, whichever is earlier)

R = A factor in Rupees (Rs.) for EC

S = Factor for scale of operation

LF = Location factor *(Here, Regional officer shall mention Location factor (LF) in their inspection report of revocation.)*

2.2 Assessment of EC as per formula at 2.1 and amount of applicable BG as per the BG scheme, out of these **whichever is higher, shall be considered** for deciding final EC amount.

3. Assessment for levying EC for cases mentioned at point no. 1(d) to 1(f):

For the cases mentioned at point number d) to f) of cases mentioned at point no. 1, assessment of Environmental Compensation shall be calculated as under in two parts:

3.1 Interim Environmental Compensation:

Interim Environmental Compensation shall be levied as suggested by Hon'ble NGT in its order No.95 of 2018 dated 11.01.2019 as under:

1. Rs. 1 Crore for large scale industry,
2. Rs. 50 Lakh for medium scale industry,
3. Rs. 25 Lakh for small scale industry.

3.2 Additional Environmental Compensation:

Additional Environmental Compensation shall be levied as per the para 1.3.2. of CPCB Methodology. i.e. Based on detailed investigations from expert institutions/organizations based on which environmental compensation will be decided.

4. Assessment for levying EC in case of industrial accident:

In case of industrial emission due to industrial accident, Environmental Compensation shall be levied as per status of Air Quality:

State/status of Air Quality	Environmental Compensation		
	Large scale	Medium Scale	Small scale
Severe +/- Emergency	Rs. 1.0 Cr	Rs. 50 Lakh	Rs. 25 Lakh
Severe	Rs. 50 Lakh	Rs. 25 Lakh	Rs. 10 Lakh
Very Poor	Rs. 25 Lakh	Rs. 10 Lakh	
Moderate to Poor	Rs. 10 Lakh		

Here,

1. State/status of air quality shall be defined and reported by the Regional Office based on the situation of the site and analytical results/photographs.
2. In case of accident having causality, it shall be considered as severe/emergency.

5. Assessment for levying EC from transporter in case of illegal discharge/transportation through vehicle:

The case of illegal discharge/transportation through vehicle i.e. tankers/ trucks/tractor, Environmental Compensation of Rs. 25 Lakh shall be levied.

6. Assessment for levying EC for non-compliances under Biomedical Waste Rules:

For levying Environmental Compensation if non-compliance observed under the Bio-Medical Waste Management Rules, 2016 and amendment thereof, the CPCB Guidelines for “Imposition of Environmental Compensation Charges against Healthcare Facilities and Common Biomedical Waste Treatment Facilities” shall be followed.

6.1 Applicable EC shall not be less than applicable BG as per prevailing BG policy.

7. Assessment for levying EC for non-compliances under Plastic Waste Rules:

In case closure direction issued for following non-compliances under the Plastic Waste Management Rules, 2016:

1. Manufacturing of plastic bags, sheets or like of thickness less than 50 micron.
2. Non submission of EPR Action plan for Back collection of post consumer plastic waste.
3. Operating without registration,

Environmental Compensation shall be levied as under:

Sr. No.	Type of Industry	Environmental Compensation (Rs. in Lakh)
A	Small Scale	0.50
B	Medium Scale	0.75
C	Large Scale	1.00

8. Assessment for levying EC under Solid Waste Rules:

In case of open burning of solid waste on land, including at landfill sites, for each such incident or default, violators including the project proponent, concessionaire, ULB, any person or body responsible for such burning, shall be liable to pay environmental compensation as under as per Para 20 of Point No. 8 of Hon'ble NGT order dated 26/03/2019 in the matter of O.A. No. 606/2018:

- Simple burning - Rs. 5,000/-
- Bulk waste burning- Rs. 25,000 /-

9. Assessment for levying EC for illegal activities not mentioned herein above:

In cases where industry/ activity which cannot be permitted/not mentioned herein above points like illegal activities. Environmental Compensation of Rs. 25 Lakh shall be levied at the time of issuing closure direction.

10. Repeated violation:

In case of repetition of similar violation within a year from the date of the first violation, the amount of EC shall be doubled in amount.

11. Applicability of Scheme:

- i. The EC scheme is applicable to all cases to which closure direction or trial run or revocation order is issued on and after 01/01/2020.
- ii. In cases where trial run is issued before 31.12.2019 and EC had already been levied, this scheme shall not be applicable.

- iii. In cases where trial run is issued before 31.12.2019 and EC had not been levied, in such cases, this scheme shall be applicable and EC shall be levied at time of further extension of trial run or permanent revocation.
- iv. In cases where Specific directions issued regarding EC by Hon. NGT /Supreme Court/ High Court , in such cases this scheme is not applicable.
- v. This scheme is subject to amendment/ changes if any new guidelines provided by CPCB or any directions from Hon'ble Courts.
- vi. EC amount to be levied from Industry/person shall be decided at the time of closure direction, except for cases covered under point no. 2 above (EC shall be decided at the time of revocation).
- vii. Revocation order shall be issued only on receipt of EC amount by the Board.

12. Decision of the Hon'ble Chairman shall be considered as final.

Signature

Gujarat Pollution Control Board
Paryavaran Bhavana, Sector 10-A
Gandhinagar

OFFICE ORDER

Subject: Amendment in the existing Environment Compensation (EC) Guidelines for Industrial Fire and Gas leak accident cases

In compliance with the directions passed by Hon. NGT& CPCB to levy Environmental Damage Compensation in the cases of industrial accidents, Gujarat Pollution Control Board (GPCB) come up with "GPCB Environmental Compensation Guideline". As per clause no. 4 in the said guideline, Environmental Compensation in case of industrial accident was decided based on status of air quality. However from the experiences, it is observed that due to various technical reasons exact air quality during fire accident could not be monitored by regional offices. Further, representations from industries are also received to change in EDC clause for accident cases.

So, a need was felt to develop a proper methodology for assessing environmental compensation for industrial accidents especially fire and gas leak cases to simplify the methodology for assessment of environment compensation.

Hence separate guidelines are now prepared to calculate Environment Compensation in case of (4.1) Industrial Fire Accident and (4.2) Gas leak accident cases. In these guidelines, attempt has been made to address all key factors and rational approach has been taken to derive EDC based on logical parameters.

Considering above, clause no. 4 of the existing "GPCB Environmental Compensation Guideline" regarding assessment for levying Environment Compensation (EC) in case of industrial accident is replaced by the following:

4. Assessment for levying Environment Compensation (EC) in case of industrial accident:

4.1 In case of Industrial fire accidents, formula based calculation of Interim Environmental Damage Compensation (EDC) due to Pollution caused by Industrial Fire Accidents in Gujarat as annexed in Annexure A.

4.2 In Case of Industrial Gas leak accidents, formula based calculation of Interim Environmental Damage Compensation (EDC) due to Pollution caused by Industrial Gas leak Accidents in Gujarat as annexed in Annexure B.

Specific conditions:

1. These formulas are applicable in case of only Industrial Fire Accident, Fire followed by blast and Gas leak accident cases where no death (fatality) is reported or offsite emergency not declared.
2. In case of death (fatality) reported due to accident or offsite emergency declared, Interim EDC shall be applicable as Rs. 10 lakh for micro scale, Rs. 25 lakh for small scale, Rs. 50 lakh for medium scale and Rs. 1 crore for large scale industries as per existing guidelines.
3. Maximum Interim EDC for any accident shall be Rs. 10 lakh for micro scale, Rs. 25 lakh for small scale, Rs. 50 lakh for medium scale and Rs. 1 crore for large scale industries.
4. Minimum interim EDC shall not be less than applicable Bank guarantee amount as per prevailing bank guarantee policy.

All other conditions mentioned in the "GPCB Environmental Compensation Guideline" will remain unchanged except clause no. 4 regarding assessment for levying Environmental Compensation (EC) in case of industrial accident.

Decision of the Hon'ble Chairman shall be considered as final.

For and behalf of GPCB

D. M. Thaker

(D. M. Thaker)

Member Secretary

Attachment:

- 1) Annexure A(for Industrial Fire Accidents)
- 2) Annexure B(for Gas leak Accidents)

No. GPCB/VRD-C-499(2) | 828621

Date : 05/12/2024

Copy To:

1. PA to Hon'ble Chairman, GPCB
2. PA to Hon'ble Member Secretary, GPCB
3. All Unit Heads, GPCB
4. All Regional Officers, GPCB
5. Unit Head, IT Branch, GPCB....to upload on XPN
- ✓ 6. Select File

Annexure A

4.1 In case of Industrial fire accidents, formula based calculation of Interim Environmental Damage Compensation (EDC) due to Pollution caused by Industrial Fire Accidents in Gujarat

The formula for calculation of Interim EDC for industrial fire accident is as follow:

Interim Fire Accident Environment Compensation (FAEC) =	Interim EDC for Air + Interim EDC for Water + Interim EDC for Hazardous waste
--	---

Note: This formula shall be referred where no death (fatality) is reported or offsite emergency not declared.

A.1 Interim EDC for air can be derived from following formula.

Interim EDC for Air = R x (M x T x A x S)

Where,

R = A factor in Rupees (Rs.) for EDC

M = Burn material factor (Fire broke out in)

T = Time duration factor (Approx. time taken to bring fire under control)

A = Area factor (Total area in which fire spread out)

S = Factor for scale of operation

Here,

- i. R (A factor in Rupees for EDC) is fixed as Rs. 1,00,000/- (Rs. One lakh).
- ii. Burn Material Factor(M) needs to be selected as per following table:

Fire broke out in	Burn Material Factor(M)
Chemical/Plastic	2
Non- Chemical	1

- iii. Time Duration Factor (T) needs to be selected as per following table:

Approx. time taken to bring fire under control	Time duration factor (T)
<=30 minutes	0.5
30 minutes to <=1 hr	1
1 to <=2 hr	1.5
2 to <=4 hr	2
4 to <=6 hr	2.5
6 to <=9 hr	3
9 to <=12 hr	6
> 12 hr	9

iv. Area factor (A) needs to be selected as per following table:

Total area in which fire spread out	Area Factor (A)
≤100 sq.mtr.	1
100 to ≤250 sq.mtr.	1.5
250 to ≤500 sq.mtr.	1.75
500 to ≤1000 sq.mtr.	2
1000 to ≤2000 sq.mtr.	4
>2000 sq.mtr.	6

v. Factor for scale of operation needs to be selected as per following table:

Scale of Industry	Scale Factor (S)
Micro	0.25
Small	0.50
Medium	0.75
Large	1.00

A.2 Interim EDC for water can be derived from following formula.

$$\text{Interim EDC for Water} = Q_w \times W_f$$

Where,

Q_w = Quantity of water used in firefighting in KL which is not collected and going outside premises without any treatment

W_f = Environmental Compensation factor, which may be taken as Rs. 200 per KL

Note: Wastewater generated but collected for further treatment shall not be considered in this calculation.

A.3 Interim EDC for hazardous waste can be derived from following formula.

$$\text{Interim EDC for Haz. waste} = Q_h \times ERF \times R_h$$

Where,

Q_h = Q_h is noticed or observed quantity (in tonne) of hazardous or other wastes which has not been managed in compliance with various provisions of the Acts/ Rules/ Guidelines/ conditions of the authorisation/ directions issued by CPCB/ GPCB/ MoEF&CC

ERF = 1.5 considering hazardous waste is disposed at unauthorised place or handed over to unauthorised party

R_h = Environmental Compensation factor, which may be taken as Rs. 30,000 per MT

Note: Hazardous or other wastes generated but collected for further disposal by scientific way i.e. TSDF, CHWIF, Pre-processing, Co-processing, Utilisation etc. shall not be considered in this calculation.

Annexure B

4.2 In Case of Industrial Gas leak accidents, formula based calculation of Interim Environmental Damage Compensation (EDC) due to Pollution caused by Industrial Gas leak Accidents in Gujarat.

The formula for calculation of Interim EDC for industrial gas leak accidents is as follows:

$$\text{Interim EDC for gas leak} = R \times (H \times T \times A \times S)$$

Where:

R = A factor in Rupees (Rs.) for EDC

H = Gas Hazard Factor (based on the IDLH value of the gas)

T = Time Duration Factor for Gas Leak (Approx. time taken to control gas leak)

A = Affected Area Factor (Based on gas spread out in area)

S = Factor for scale of operation

Note: This formula shall be referred where no death (fatality) is reported or offsite emergency not declared.

Here,

- i. R (A factor in Rupees for EDC) is fixed as Rs. 1,00,000/- (Rs. One lakh).
- ii. Gas Hazard Factor is based on the Immediately Dangerous to Life or Health (IDLH) value of the gas involved in the gas leak accident. The National Institute for Occupational Safety and Health (NIOSH) developed IDLH values to characterize high-risk exposure concentrations and conditions. IDLH values are based on 30-minute exposure duration.

Hazard Classification	Impact of gas release	IDLH value in ppm	Name of industrial gas for example	Gas Hazard Factor(H)
Class 1	Low	>1000 ppm	Carbon monoxide (CO)	1
Class 2	Moderate	100 ppm to <=1000 ppm	Ammonia (NH ₃)	2
Class 3	High	10 ppm to <=100 ppm	Fluorine (F ₂), Hydrogen chloride (HCl), Hydrogen sulfide (H ₂ S), Sulfur Dioxide (SO ₂), Nitrogen Dioxide (NO ₂)	3
Class 4	Very high	<= 10 ppm	Bromine (Br ₂), Chlorine (Cl ₂), Phosgene (COCl ₂)	4

One can refer following website (link is given below) to know IDLH value of any other gas. <https://www.cdc.gov/niosh/idlh/intridl4.html>

Note:

- a) In case where IDLH value of any gas is not available, hazard classification shall be selected based on MSDS of any particular gas. In such cases base of LC50 shall be taken to decide hazard class i.e. class 1 ($LC_{50} \leq 250$), Class 2 ($250 < LC_{50} \leq 1000$), Class 3 ($1000 < LC_{50} \leq 2000$), Class 4 ($LC_{50} > 2000$).
- b) In case of multiple gas release, higher class shall be considered to calculate Interim EDC among all gas releases.

iii. Time Duration Factor needs to be selected as per following table:

Approx. time taken to control gas leak (maximum time reported for gas leak)	Time duration factor(T)
≤ 5 minutes	1
5 to ≤ 15 minutes	2
15 to ≤ 60 minutes	3
> 60 minutes	4

iv. Affected Area Factor needs to be selected as per following table:

Gas spread out in area	Description	Affected Area Factor(A)
Within Premises	No any person is affected and Gas leakage remained within the plant boundary	1
Outside Premises	No any person is affected and Gas leakage spreading to outside plant boundary	2
Within Premises	Any of the person is affected and Gas leakage remained within the plant boundary	4
Outside Premises	Any of the person is affected and Gas leakage spreading to outside plant boundary	8

v. Factor for scale of operation needs to be selected as per following table:

Scale of Industry	Scale Factor(S)
Micro	0.25
Small	0.50
Medium	0.75
Large	1.00



1953 GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,

GANDHINAGAR - 382010,

(T) 079-23232152

Annexure-C

BY R.P.A.D.

DIRECTION UNDER SECTION-31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT-1981 (HEREINAFTER REFERRED TO AS THE "AIR ACT") AS AMENDED FROM TIME TO TIME

WHEREAS you **M/s. Gujarat Fluorochemicals Limited** having an industrial plant at Plot No.: 12-A, E-50/1, Dahej GIDC Estate, Tal.:Vagra, Dist.: Bharuch.

AND WHEREAS you are having CCA No. AWH-129478 valid up to 15/02/2027 for manufacturing activity/operation of industrial plant subject to compliance of conditions mentioned in order of said CCA.

AND WHEREAS during the inspection of your industrial plant on 29/12/2024 by the authorized officer of the Board, it has been observed that:

- (1) On 28/12/2024, gas leakage accident occurred in CMS- 1 plant of unit.
- (2) Leakage occurred from isolation valve near auto valve XCV-2209 of CMS-1 plant leading to leakage of Crude CMS (Chloro Methane Substance). Crude CMS contains mixture of Chloroform, Methylene Dichloride and Carbon Tetrachloride.
- (3) Crude CMS was emitted into atmosphere due to this accident and as per the CCTV footages gaseous cloud was seen for approximately 15 minutes.
- (4) The cloud of the gas was formed in the entire CMS-1 plant area, Control Room area and further dispersed in the plant area as informed.
- (5) Due to this Gas leakage accident, 04 persons were died and 02 persons were injured (under observation). (As per latest information).
- (6) At the time of inspection the isolation valve (near auto valve XCV2209) found damaged and bonnet found displaced.
- (7) Unit has not adopted adequate safety measures.

AND WHEREAS the non-compliances found during the inspection seems severe and may damage environment adversely.

AND WHEREAS Director Industrial Safety and Health (DISH), Bharuch office has issued prohibitory order for manufacturing activity in CMS-1 plant of the unit.

UNDER THE CIRCUMSTANCES, as directed, I M. R. Macwana, Unit Head-Bharuch, Gujarat Pollution Control Board issue the directions under Section 31-A of the Air Act - 1981 as under:

- (1) **Unit shall not use/operate CMS-1 plant before obtaining revocation the Board.**
- (2) To take all necessary measures to safely remove all remaining in-process material/ intermediate materials considering requisite process safety aspects.
- (3) To ensure safe collection of residues of chemicals / hazardous & other wastes generated from accident and dispose the same as per provisions of the HOWM Rules-2016 under intimation to the Board.

- (4) To take all necessary measures to ensure safety of all reactors, equipment etc. to prevent further mishappening and environmental damage.
- (5) To carry out safety audit/ HAZOP study and root cause analysis for accident that shall include environment aspects at the earliest and submit the same to the Board.
- (6) To submit compliance report of the instructions/directions issued by DISH w.r.t. accident, if any.
- (7) **Unit shall pay Rs. 1 Crore (Rupees One Crore only) as Interim Environment Damage Compensation (EDC) immediately through XGN portal.**
- (8) **To submit Bank guarantee of Rs. 10 Lac (Rupees ten laonly) for compliance assurance at the time of revocation.**

Non-compliance or violation of the aforementioned direction/order will constrain this Board to initiate action as per provision of Section- 37 of the Air (Prevention and Control of Pollution) Act-1981 and amendment thereof.

If you are aggrieved by the aforesaid direction, you may file an appeal under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 before Appellate Authority (Forests & Environment Department, Government of Gujarat) within thirty days from the date of this order.

This order is issued with the approval of competent authority of the Board.

**FOR AND ON BEHALF OF
GUJARAT POLLUTION CONTROL BOARD**


**(M. R. MACWANA)
UNIT HEAD**

NO: GPCB/BRCH/CCA-1080(25)/ID-15136/

Date: /01/2025

Issued to:

M/s. Gujarat Fluorochemicals Limited
Plot No.: 12-A, E-50/1, Dahej GIDC Estate,
Tal.:Vagra, Dist.: Bharuch

Copy To:

- **Regional Officer,**
Gujarat Pollution Control Board,
Regional Office, Bharuch..... for monitoring & verification.