

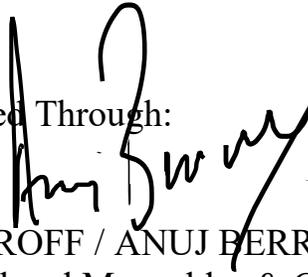
BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 73 OF 2020

IN THE MATTER OF:

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

<b>S. No.</b>	<b>Particulars</b>	<b>Page(s)</b>
1.	Affidavit on behalf of L.G. Polymers India Private Limited in terms of the Order Dated 08 May 2020 passed by this Hon'ble Tribunal	1 -2
2.	<b><u>ANNEXURE "A":</u></b> A true copy of the letter dated 15 May 2020 issued by the Respondent enclosing the DD No. 003593 dated 15.05.2020	3 - 9

Filed Through:



(PALLAVI SHROFF / ANUJ BERRY)

Shardul Amarchand Mangaldas & Co.

Advocate for the Respondent

216 Amarchand Towers, Okhla Industrial Phase III, New Delhi – 110020

PH: 26920500, 51590700 FAX: 26922900, 26924900

anuj.berry@amsshardul.com

PLACE: NEW DELHI

DATED: 16 May 2020

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

**AFFIDAVIT ON BEHALF OF L.G. POLYMERS INDIA PRIVATE  
LIMITED IN TERMS OF THE ORDER DATED 08 MAY 2020  
PASSED BY THIS HON'BLE TRIBUNAL**

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 – 530 029, presently at Visakhapatnam, do hereby solemnly affirm and state as under:

1. That I am the Authorized Signatory of LG Polymers India Pvt. Ltd. (“Respondent”).
2. This Hon’ble Tribunal vide its order dated 08 May 2020 initiated suo moto proceedings on the basis of certain media reports that an incident of gas leak had occurred at the plant of the Respondent situated in Visakhapatnam, Andhra Pradesh on the early morning of 07 May 2020 (“the Incident”).
3. Vide order dated 08 May 2020, this Hon’ble Tribunal directed:
  - i. the constitution of a Committee with a direction to give its report before the 18.05.2020;



- ii. directed the Respondent to forthwith deposit an initial amount of Rs. 50 Crores with the Collector and District Magistrate, Visakhapatnam (“District Magistrate”).
4. The Respondent has by its letter dated 15 May 2020 furnished a Demand Draft dated 15 May 2020 bearing No 003593 issued by HDFC Bank for an amount of Rs. 50 Crores (Rupees Fifty Crores Only) in favor of the District Magistrate.
- A true copy of the letter dated 15 May 2020 issued by the Respondent enclosing the DD No. 003593 dated 15.05.2020 is annexed herewith and marked as **ANNEXURE “A”**
5. The Respondent craves leave of this Hon’ble Tribunal to file a further additional and detailed Affidavit raising its contentions and objections (if any).
6. It is stated that the facts stated in the Affidavit are true to the best of my knowledge as per the records of the Respondent.

**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 15<sup>th</sup> day of May, 2020.



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



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

**LG Polymers India Pvt. Ltd.**Regd. Office & Works : R.R. Venkatapuram, Visakhapatnam - 530 029, India  
CORPORATE IDENTITY NUMBER (CIN) : U25203AP1996PTC025917ISO 9001:2015 &  
ISO 14001:2015  
BUREAU VERITAS  
Certification

Visakhapatnam	91-891-2520445 - 458	Fax: 91-891-4520428
Mumbai	91-22-81085300 - 332	Fax: 91-22-81085344
Gurgaon	91-0124-4692700 - 11	Fax: 91-0124-4692701
Kolkata	91-33-25797977 & 78	
Chennai	91-44-26650201	Fax: 91-44-43870203
Vijaywada	91-9849170565	
Pune	91-020-66487600	

Visakhapatnam

15<sup>th</sup> May 2020

To

The Collector and District Magistrate,

Visakhapatnam District,

Andhra Pradesh

Dear Sir,

Sub: Compliance with the directions issued by the Hon'ble National Green Tribunal, Principal Bench, New Delhi vide order dated 08 May, 2020 in Original Application No. 73 of 2020 – reg.

We write to you with reference to the following direction issued by the Hon'ble National Green Tribunal, Principal Bench, New Delhi ("NGT") vide order dated 08 May, 2020 ("Order") in Original Application No. 73 of 2020:

"...we direct LG Polymers India Pvt., Limited to forthwith deposit an initial amount of Rs. 50 Crore, with the District Magistrate, Vishakhapatnam, which will abide by further orders of this Tribunal..."

A copy of the abovementioned Order dated 08 May, 2020 issued by the Hon'ble NGT is annexed herewith for your reference as **Annexure A** (page [1] to [5]).

In compliance with the Order, LG Polymers India Private Limited seeks to deposit with your good-self a sum of INR 50,00,00,000/- (Fifty Crores only) by way of a demand draft dated 15 May 2020 issued by HDFC Bank, bearing the reference number 003593 ("**Demand Draft**").

The Demand Draft being submitted by LG Polymers India Private Limited in compliance with the Order issued by the Hon'ble NGT is annexed herewith as **Annexure B** (page [6])

We kindly request you to acknowledge receipt of the Demand Draft to enable LG Polymers India Private Limited to file the acknowledgment with the Hon'ble NGT.

Thanking you,

Yours sincerely,

For LG Polymers India Private Limited

  
Sunkey Jeong,  
Managing Director

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 73/2020

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

Date of hearing: 08.05.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER****ORDER**

1. This matter has been taken up *suo-motu* on the basis of media reports<sup>1</sup> to the effect that leakage of hazardous gas, Styrene, took place at 03:45AM on 07.05.2020, from a chemical factory owned by the South Korean company LG Polymers India Pvt., Limited, R.R. Venkatapuram village, Pendurthy Mandal, Vishakhapatnam resulting in death of 11 persons and hospitalization of more than 100 people of whom at least 25 were reported to be serious. These fatalities and injuries are reportedly likely to increase. More than 1000 persons are reported sick. There is also damage to environment and habitat. The media reports give rise to a substantial question of environment, which needs to be gone into by this Tribunal under Sections 14 and 15 of the NGT Act, 2010.

<sup>1</sup> [https://www.ndtv.com/india-news/visakhapatnam-lg-polymers-gas-leakage-8-dead-over-1-000-sick-after-gas-leak-at-andhra-chemical-plant-2224543;](https://www.ndtv.com/india-news/visakhapatnam-lg-polymers-gas-leakage-8-dead-over-1-000-sick-after-gas-leak-at-andhra-chemical-plant-2224543)  
<https://indianexpress.com/article/india/visakhapatnam-gas-leak-live-updates-dead-injured-cm-jagan-mohan-reddy-pm-modi-6397962/>

2. Styrene gas is a hazardous chemical as defined under Rule 2(c) read with Entry 583 of Schedule I to the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989. The Rules require on-site and off-site Emergency Plans to ensure prevention of damage. There appears to be failure to comply with the said Rules and other statutory provisions. Leakage of hazardous gas at such a scale adversely affecting public health and environment, clearly attracts the principle of 'Strict Liability' against the enterprise engaged in hazardous or inherently dangerous industry. Such an entity is liable to restore the damage caused under the Environment Law, apart from other statutory liability. The statutory authorities responsible for authorizing and regulating such activities may also be accountable for their lapses, if any, in dealing with the matter. It is also necessary to ensure that all necessary steps are taken to prevent recurrence of such an incident. Without prejudice to any other proceedings, this Tribunal has to perform its statutory obligation of providing relief and compensation to the victims of "environmental damage", as statutorily enacted, and restitution of damaged property and environment. With a view to deal with the issue, it is necessary to ascertain the facts relating to the extent of damage, extent of failure and consider remedial measures. The affected parties have to be given the opportunity of being heard.

3. Accordingly, we issue notice to Andhra Pradesh State PCB, District Magistrate, Vishakhapatnam, Central Pollution Control Board (CPCB), Ministry of Environment, Forests & Climate Change (MoEF&CC) and LG Polymers India Pvt., Limited. Notice may be served by email and response if any, be filed before the next date, by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

4. We also seek a report from a 6-member Committee comprising:
- a. Justice B. Seshasayana Reddy, Former Judge, A.P. High Court; - (Online till he is able to reach Vizag);
  - b. Prof. Ch V Rama Chandra Murthy, Former Vice Chancellor, Andhra University, Vizag;
  - c. Professor Pulipati King, Head of Chemical Engineering Department, Andhra University, Vizag;
  - d. Member Secretary, CPCB (Online, if travel is restricted due to Covid-19); and
  - e. Director, CSIR-Indian Institute of Chemical Technology (Online, if travel is restricted due to Covid-19);
  - f. Head, NEERI, Vizag.

The District magistrate, Vishakhapatnam, and Regional Office, Andhra Pradesh State PCB may provide logistic support to the Committee to enable their fact-finding and reporting. The Chairman, CPCB may steer and facilitate the functioning of the Committee using available technology. CPCB will bear the initial cost of functioning of the Committee to the extent necessary. The Committee will be at liberty to take assistance of such experts, individuals and institutions as may be considered necessary. The Member Secretary, CPCB will act as nodal agency for coordination.

5. The Committee may visit and inspect the site at the earliest and give its report before the next date via [email judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). Site visit may be initially conducted by members available locally in consideration with outside members online. The Committee may specifically report:

- a. The sequence of events;

- b. Causes of failure and persons and authorities responsible therefor;
  - c. Extent of damage to life, human and non-human; public health; and environment – including, water, soil, air;
  - d. Steps to be taken for compensation of victims and restitution of the damaged property and environment, and the cost involved;
  - e. Remedial measures to prevent recurrence;
  - f. Any other incidental or allied issues found relevant.
6. Having regard to the *prima facie* material regarding the extent of damage to life, public health and environment, we direct LG Polymers India Pvt., Limited to forthwith deposit an initial amount of Rs. 50 Crore, with the District Magistrate, Vishakhapatnam, which will abide by further orders of this Tribunal. The amount is being fixed having regard to the financial worth of the company and the extent of the damage caused.
7. A copy of this order be sent to Justice B. Seshasayana Reddy, Former judge, A.P. High Court; Prof. Ch V Rama Chandra Murthy, Former Vice Chancellor, Andhra University, Vizag; Professor Pulipati King, Head of Chemical Engineering Department, Andhra University, Vizag; Director, CSIR-Indian Institute of Chemical Technology; Head, NEERI, Vizag; Andhra Pradesh State PCB; District Magistrate, Vishakhapatnam; Central Pollution Control Board (CPCB); Ministry of Environment, Forests & Climate Change (MoEF&CC) and LG Polymers India Pvt., Limited, by email.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

May 08, 2020  
Original Application No. 73/2020  
DV





A/C PAYEE ONLY  
NOT NEGOTIABLE

**DEMAND DRAFT**  
VALID FOR 3 MONTHS ONLY  
PAYABLE AT PAR AT ALL BRANCHES OF HDFC BANK LTD

1 5 0 5 2 0 2 0

ON DEMAND PAY

\*\*\*THE COLLECTOR AND DISTRICT MAGISTRATE, VISAKHAPATNAM\*\*\*

Or Order

अदा करे

या उनके आदेश पर

Rupees

FIFTY CRORE ONLY.

रुपये

₹ \*50,00,00,000.00

**FC** FOR VALUE RECEIVED  
LG POLYMERS INDIA PRIVATE LIMITED

For HDFC BANK LTD.

NAD KOTHA ROAD  
VISAKHAPATNAM - 530027

*D. Subbarao*  
B20757  
*S. Vasanthakumari*  
B22572

REF. No. 160413002914

ISSUING BRANCH

AUTHORISED SIGNATORIES

Please sign above

⑈003593⑈ 530240005⑈ 999990⑈ 16