

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), SITTING AT  
CHENNAI**

**O.A No.229/2020**

**BETWEEN:**

Tribunal on its own Motion

... **APPLICANT**

**AND**

Ministry of Environment & Forest  
and Ors.

... **RESPONDENTS**

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Place: Bangalore

Date:22/06/2021



Advocate for the Respondent No.5

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**RESPONSE FILED ON BEHALF OF RESPONDENT NO.5 TO THE  
REPORT OF THE JOINT COMMITTEE SET UP BY THE HON'BLE  
NATIONAL GREEN TRIBUNAL BY WAY OF ORDER DATED 20/09/2020**

The Respondent No.5 seeks to submit as follows:

1. The instant Application was initiated Suo Moto by the Hon'ble Tribunal upon taking cognisance of the Article in The New Indian Express Newspaper, E-paper Edition, dated 3<sup>rd</sup> October, 2020. On 20/09/2020, a Joint Committee was appointed by the Hon'ble Tribunal by way of its Order dated 20/09/2020. The Hon'ble Tribunal ordered the Joint Committee, "*..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...*"
2. It is submitted that the Response to the Newspaper report dated 03/10/2020 filed by the Respondent No.5 on 09/03/2021 be read as part and parcel of the instant response for the sake of brevity.
3. The Respondent No.5 submits that it has no objections to the findings of the Joint Committee with respect to time and cause of the fire accident which broke out in the Gas Turbine enclosure of the power plant of the Respondent No.5 during the



commissioning/trial run operations. The Joint Committee has found that the incident was a fire accident which happened during the commissioning activities of the power plant and was limited to the Gas Turbine compartment of the power plant. It observed that most of the material damage happened inside the gas turbine compartment and injuries were sustained by the personnel engaged in commissioning works, who had gathered near the door of the Gas Turbine compartment enclosure. It is submitted that 15 personnel from M/s. KPCL, M/s. BHEL and M/s. GE Ltd, engaged in the commissioning activities of the plant unfortunately sustained burn injuries, out of which three people succumbed to their injuries.

4. A high-level Root Cause Analysis (“RCA”) Committee, comprising of representatives from BHEL, GE and the Respondent No.5 herein, under the chairmanship of former Member (Thermal), CEA was constituted to analyse the root cause of the accident and suggest remedial actions to avoid reoccurrence of such incidents in future. A report has been submitted by the high level RCA Committee (*Annexure R1 at Pg No.8 of the Response filed by the Respondent No.5 dated 09/03/2021 and at Pg 29 of the report of the Joint Committee*) and the Respondent No.5 is complying with all the recommendations given in the RCA report.
5. With respect to the recommendations of the Joint Committee that a thick green belt consisting of tall growing trees be planted towards residential areas around the plant to arrest sound nuisance, it is submitted that the Respondent No.5 has already planted 1000 tree saplings in the first phase of plantation and has completed planting 1000 more tree saplings in the second phase. The same is concentrated on the North Western boundary where the residences are located. Species planted include Mahogany, Neem, Akashmallige, Kadamba and Ashoka. 6 Acres of Plantation has already been done. The Respondent No.5 along with the KSPCB has surveyed and identified 3 (three) locations along the northern boundary (towards where the residences are located) where Noise Monitoring Stations will be set up. The measured Noise Levels from the Noise Monitoring

Stations will be interfaced with the Day and Night visible Data Display System in front of the main Gate of the Plant so that Noise Levels will be displayed to the public.

6. With respect to the recommendations of the Joint Committee that permanent high range sprinklers be provided for towards residential area all along the periphery of the plant, it is submitted that the Respondent No.5 is accordingly taking steps towards implementation of the same.
7. It is submitted that the Joint Committee has duly studied the fire protection system at the Power Plant and found it to be sufficient. It has also noted that the Power Plant has been provided with sufficient fire detectors and carbon dioxide fire protection system for the gas turbine unit, which extinguishes fire by reducing the equivalent oxygen content of the air.
8. The Joint Committee has recommended that safety protocols will have to be strictly maintained and dedicated exit paths and safe assembly area should be identified in case of any emergencies. It also recommends that the onsite emergency plan be revisited and based on the experience of the fire incident, additional safety protocols and control measures be incorporated. It is submitted that pursuant to the same all personnel of the Respondent No.5 working at the Plant have been given safety training. Safe Assembly Point and Emergency Exit Path depicting a pictorial view of plant have been displayed at conspicuous places throughout the Power Plant site to create awareness on safe evacuation measures in case of fire at the Power Plant. Ms/ BHEL will be providing the Turbine doors with latch and lock. All the doors will be locked during normal continuous operation of Turbine to prevent unauthorized opening of the door. The turbine will be operated by authorised personnel only who are familiarised with operations. Restricted Access entry control will be formulated for each area to avoid entry of unauthorised personnel. The compressor water wash drain is being modified suitably to avoid obstruction in the path. The Gas turbine is being provided with dedicated advanced state-of-art Speedtronic Mark-VIe control

system (Proprietary design of GE) for automatic control and protection of Gas Turbine. The lube oil will be circulating to bearings and other auxiliaries in a closed loop system. If there is any leakage in the system this will result in the reduction of level in the Lube oil tank and therefore the Lube oil tank has been provided with Level gauge and level transmitter for monitoring the level in the local and an alarm is also provided in the control system for level monitoring. Hence, adequate protection and monitoring for any leakage of Lube Oil has been made available. With regard to Gas Booster Compressors (GBC) (which are meant to supply the Natural Gas to Gas Turbine at the required pressure and quantity) additional mitigation measures will be incorporated consequent to installation of Acoustic Enclosures for the said equipments. With respect to the recommendation regarding revisiting the on-site emergency plan also, the Respondent No.5 is taking steps towards the same.

9. The Joint Committee has estimated that the major effect of fire accident on the surrounding environment was largely limited to the emissions released to the environment by burning of materials and increase in the ambient noise levels during the incident. It has estimated that 449.68 Tonne of CO<sub>2</sub> emissions was released due to the lube oil burning during the fire incident and has stated that the unit was liable to pay the environmental price of Rupees 10.1178 lacs as the environmental compensation estimated based on the CO<sub>2</sub> emissions made to the environment due to the fire incident. It is submitted that the Respondent No.5 is willing to pay the amount of Rupees 10.1178 lacs as stated by the Joint Committee.
10. The Respondent No.5 is therefore taking the required steps towards implementation of the Joint Committee Report.
11. In addition to the above, the Hon'ble Tribunal, by way of its Order dated 01/06/2021 has also directed the Respondent No.5 to give its response regarding the amount of compensation paid to the deceased persons as well as injured persons and what are all the further steps taken by them to mitigate the situation



as well in future. The Hon'ble Tribunal has also directed the Respondent No.5 to mention as to whether any policy has been taken under the Public Liability Insurance Act, 1991 and whether any steps have been taken for getting payment from the insurance company in this regard to their affected employees covered under the scheme. The queries raised by the Hon'ble Tribunal are addressed by the Respondent No.5 herein below:

**12. Re Compensation details in respect of deceased employees and employees injured in the Fire Accident that occurred on 02.10.2020 at Yelahanka Combined Cycle Power Plant:**

- a. The Respondent No.5 has completely covered the medical expenditure of all 11 of its personnel who were injured in the accident. The total medical expenditure met by the Respondent No.5 in respect of all its affected employees till date is around Rs. 56,62,990/-.
- b. With respect to the dependents of its two deceased staff, the Respondent No.5 has provided employment on compassionate grounds as per KPCL Service rules. The dependants of the deceased employees have been employed as regular Employees at the Kali Hydro Power Project, Ambikanagar, Uttara Kannada district, Karnataka.
- c. With respect to *ex-gratia* payment to the two deceased staff of Respondent No.5, a recommendation has been sent to the Energy Department, Government of Karnataka for its consideration by way of a Letter dated 11/02/2021. The letter sent by the Respondent No.5 has been produced herewith as **Annexure R4**.
- d. With respect to the injured personnel of the Respondent No.5, they were given sanctioned leave with pay for the period of treatment and rest, till the date of re-joining.
- e. The Respondent No.5 have been informed that M/s.BHEL has granted leave with pay for the period of treatment and rest for its injured employees and has covered the total medical expenditure incurred for their treatment.

- f. The details of compensation of the affected GE employees were not furnished to the Respondent No.5 by GE in spite of repeated requests/follow up by the Respondent No.5

**13. Re future steps taken by KPCL to mitigate the situation in future:**

- a. The Respondent No.5 will be implementing the standard protocol and pre-checks prior to the restart of pre-commissioning and commissioning of Gas Turbine and its accessories as per the recommendations of the Original Equipment Manufacturer, M/s General Electric ("GE"). Presently restoration works are under progress at the Power Plant.
- b. The Respondent No.5 is implementing the Standard Operating Procedure (SOP) for all types of operations pertaining to Gas Turbine as per GE and BHEL recommendations. All measures recommended by the RCA committee and Joint Committee herein will be strictly followed.
- c. Awareness has been created among all the working personnel about the On-site Emergency Plan of the Power Plant and safe evacuation measures in case of fire. Safety training has been provided to all personnel working at the Plant. The Respondent No.5 is regularly conducting onsite emergency mock drills.
- d. The Respondent No.5 is strictly implementing the Standard Maintenance Procedure (SMP) as per the recommendation of Original Equipment Manufacturer, M/s GE.
- e. Only trained operating staff will be deployed for regular operation of the Power Plant.
- f. Access control (entry for authorised personnel only) has been implemented at specified places like Gas Turbine, Gas Booster Compressor, Gas Conditioning Skid, Turbine Generator hall, control room etc. Use of Mobile Phones have been restricted at the above specified areas.
- g. Vital safety tools such as Safe Assembly Point and Emergency Exit Path depicting a pictorial view of plant have been displayed at conspicuous places throughout the Power Plant site to create awareness on safe evacuation measures in case of fire at the plant.



**14. Regarding whether any policy which has been taken under Public Liability Insurance Act,1991 and whether any steps have been taken for getting payment from the insurance company in regard to the affected employees covered under the scheme:**

- a. It is submitted that the construction and commissioning works of Yelahanka Combined Cycle Power Plant Yelahanka, Bengaluru were awarded to M/s. BHEL on Engineering, Procurement and Construction (EPC) basis. It is submitted the Power Plant is presently being commissioned and only once commissioning is completed will the functioning of the Power Plant be handed over to the Respondent No.5 by M/s BHEL. During the construction and commissioning stages of the Power Plant, as per the clauses of the EPC Contract, M/s BHEL and their sub-contractors, have taken several insurance policies including the Storage cum Erection Insurance Policy and Third Party Insurance Policies which covers material, equipment and workers /labours at site.
- b. Once the Plant has been commissioned the Respondent No.5 will take over the Power Plant from BHEL for regular operation and maintenance as is being done in its other projects and will obtain the required insurance policies. Presently, a recommendation regarding ex-gratia payment has been sent by the Respondent No.5 to the Energy Department, Government of Karnataka for its consideration by way of a Letter dated 11/02/2021 (Annexure R4).The Respondent will also be taking a Mega Risk Insurance Policy which will cover risks of all the Material/equipment and building of the plant including third party liability in case of any accidents.

Wherefore, it is prayed that the report of the Joint Committee set up as per the Orders of this Tribunal dated 20/09/2020 be accepted and the instant matter be disposed of accordingly.

**Place:** Bangalore

**Date:** 22/06/2021



**Advocate for the Respondent No.5**



**KPCL**

ಕರ್ನಾಟಕ ವಿದ್ಯುತ್ ನಿಗಮ ನಿಯಮಿತ

KARNATAKA POWER CORPORATION LTD.,

(A premier power generating company of Government of Karnataka)

CIN U85110KA1970SGC001919

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No. A1R5A

11.02.2021

The Additional Chief Secretary  
Government of Karnataka  
Department of Energy  
Room No.236, Vikasa Soudha  
Bangalore 560001

15/02/21  
ರವಾನೆ ಗುರುತಿಸು  
ರೇವಣಿ ಸಂಖ್ಯೆ: 259, 2ನೇ ಮಹಡಿ  
ಇವಳಿ ಕಛೇರಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರ  
ಬೆಂಗಳೂರು-560001

Sir,

Sub: Payment of Ex-gratia and providing employment to the spouse or dependent family members of deceased Employees who sacrificed their lives due to the fire accident occurred on 02.10.2020 at 1x370 MW YCCPP-reg.

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1. With reference to the above, fire mishap had occurred in Gas Power Plant at Yelahanka on 02.10.2020. Out of 15 injured unfortunately Shri Balraj Bawra from General Electric, Shri Krishna Bhat (56 years), Executive Engineer, KPCL and Shri Manjappa (58 years) Asst. Executive Engineer, KPCL passed away. This unforeseen fire accident caused a huge loss to KPCL and also to the dependents of the Employees who sacrificed their lives in safeguarding the plant and machinery from the fire accident.
2. In the case of similar fire accident at Srisailam Left Bank hydro Power Plant [SLBHES] of Telangana State Power Generation Corporation Ltd [TSGENCO] on 20.08.2020, they had sanctioned Rs.75 lakhs each as Ex-gratia to the dependent family of seven (7) deceased Employees of TSGENCO, in addition to the ex-gratia of Rs.25 lakhs announced by the State Govt. and also provided employment to the spouse or other eligible dependent family member of the deceased Employees to the post of AE/PO/Assistant/JA/ Junior Plant Attendant as a special case considering their service, dedication and loyalty to the organization at the cost of their lives. They also granted 5 (Five) years' time to acquire the prescribed qualification in case the spouse or dependent of deceased employee who do not have such prescribed qualification.
3. The above subject was discussed at KPCL Board meeting held on 29.12.2020 (Board Note enclosed as Annexure) and the Board deferred the consideration of this subject for the time being as the said matter is to be decided at the Government level and authorized the Managing Director to seek guidance from Government on the level of compensation to be paid to the deceased Employees.

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Shakthi Bhavan, # 82, Race Course Road, Bengaluru-560 001. Tel. : 080-22255606, 22204153, Fax : 080-22202811

E-mail : mdkpcl@gmail.com Website : www.karnatakapower.com

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4. In this regard, it is hereby requested to provide suitable decision on the level of compensation to be paid to the deceased Employees.

Seeking your kind support and intervention in the said matter.

Thanking you,

Yours Sincerely,  
for Karnataka Power Corporation Ltd  
Managing Director