

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
FRIDAY THE TWENTY SECOND DAY OF MAY,
TWO THOUSAND AND TWENTY

PRESENT:
THE HON'BLE THE CHIEF JUSTICE JITENDRA KUMAR MAHESHWARI
AND
THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WP (PIL) NO: 112 OF 2020
WP (PIL) NO: 117 OF 2020
AND
WP (PIL) NO: 119 OF 2020



WP (PIL) NO. 112 OF 2020

Between:

TAKEN UP, Polsonous gas leakage in Visakhapatnam

... Petitioner

AND

1. State Of Andhra Pradesh, Rep. by the chief secretary, Secretary, Velagapudi, Amaravati
2. Director General of Police, Andhra Pradesh, Mangalagiri, Guntur District
3. Commission of Police, Visakhapatnam City
4. Union of India, Rep by the Secretary, Ministry of Industries, New Delho
5. Union of India, Rep by the Secretary, Ministry of Environment and Pollution, New Delhi
6. The District Collector, Visakhapatnam District
7. The Superintendent, King George Hospital, Visakhapatnam
8. M/s. LG Polymers ltd., LG Polymers RD RRV Puram, Naidu Thota, Visakhapatnam, Andhra Pradesh 530029

...Respondents

Writ Petition under Article 226 of the Constitution of India praying to issue a Writ, order or direction, in the nature of mandamus or any other appropriate writ calling for the records relating to the incident of leakage of poisonous gas form LG Polymers factory at Visakhapatnam at about 2.30 a.m on the intervening night of 06.5.2020/07.05.2020, to direct the Respondents to take all necessary steps for saving the lives of the people in and around the said factory, to provide all necessary medical treatment to the persons who are admitted into various hospitals and to provide necessary facilities to the persons evacuated to safer places and also to issue necessary directions to avoid such incidents in future and to grant other relief/s as the Hon'ble Court may deem fit and proper in the circumstances.

The Writ Petitions coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 07.05.2020 in WP (PIL) No. 112 of 2020 made herein and upon hearing the arguments of Sri Y.V. Ravi Prasad, Amicus Curiae, for the petitioner, Sri S.Sriram, Advocate General, for the Respondents Nos. 1, 2, 3, 6, 7, of Sri Josyula Bhaskar Rao, S.C. for Central Govt., for Respondents No.4 and 5 and of Sri D.Narendra Naik, for Respondent No.8.:

WP (PIL) NO: 117 OF 2020

Between:

Rapolu Bhaskar, S/o Late Rapolu Ramulu, Occ: Advocate, R/o Flat No.501, Vaishnavi Nest Apartments, Indira Nagar, Beside IKON Hospital, Dilsukhnagar, Hyderabad- 500 036. CelL- 9848498029

... Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Industries, Secretariat, Andhra Pradesh.
2. The Commissioner, Department of Industries, O/o First Floor, Government Regional Printing Press Buildings, Mutyalampadu St, Vijayawada, 520 011,
3. The Proprietor, LG Polymers Pvt. Ltd, RR Venkatapuram, Vishakapatnam, Andhra Pradesh-530 029.
4. The Director, LG Polymers Pvt. Ltd, RR Venkatapuram, Vishalcapatnam, Andhra Pradesh-530 029

...Respondents

Writ Petition under Article 226 of the Constitution of India praying to issue a Writ, Order or a Direction more Particularly in the nature of a Writ of Mandamus declaring the action of the respondents in not providing financial assistance and medical facilities to the affected people at Vishakhapatnam in the State of Andhra Pradesh and to direct the concerned authorities to take the action against the respondents who were responsible to cause this gas incident and to direct respondents to provide the best medical facilities to the injured persons and also to direct to the LG Polymers company management to give the compensation of Rs. 2 crores to the deceased families and Rs. 50 Lakhs to every injured persons and Rs.50,000 to the deceased cattle as well as Rs.5,00,000 to the damaged standing crop of the farmers and also to direct the company authorities to take full responsibilities to provide the medical facilities for the consequences of health issues in future and also immediately seize the company at present and also to direct to shift the company far from the Vishakhapatnam and also to direct the authorities to provide the double bedroom houses to the deceased people families under Apadbandhu Padakam and also ask the concerned authorities to submit the reports of regarding LG polymers gas leakage incident and safety measures by the respondents and concerned officers in the interest of justice.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents forthwith to provide financial assistance and medical facilities to the affected people at Vishakhapatnam in the State of Andhra Pradesh and also to direct the respondents to take the action against the respondents who were responsible to cause this gas incident and to direct respondents to provide the best medical facilities to the injured persons and also to direct to the LG Polymers company management to give the compensation of Rs. 2 crores to the deceased families and Rs. 50 Lakhs to every injured persons and Rs.50,000 to the deceased cattle as well as Rs.5,00,000 to the damaged standing crop of the farmers and also to direct the company authorities to take full responsibilities to provide the medical facilities for the consequences of health issues in future and also immediately seize the company at present and also to direct to shift the company far from the Vishakhapatnam and also to direct the authorities to provide the double bedroom houses to the deceased people families under Apadbandhu Padakam and also ask the concerned authorities to submit the reports of regarding LG polymers gas leakage incident and safety measures by the respondents and concerned officers for the pending disposal of the above writ petition (PIL) No. 117 of 2020, on the file of the High Court.

The Writ Petitions coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 07.05.2020 in WP (PIL) No. 112 of 2020 made herein and upon hearing the arguments of Sri Sri Ch. Markondaiah, Advocate for the Petitioner, of Sri S.Sriram, Advocate General, for the Respondent No.1 and of G.P. for Industries & Commerce, for Respondent No. 2:

WP (PIL) NO: 119 OF 2020

Between:

Ramakumar Sabbavarapu, S/o. S. Eswar Rao, Aged 38 years, R/o Door No. 2-1, Pinagadi Village, Pendurthi Mandal, Visakhapatnam 531173

... **Petitioner**

AND

1. The Union of India, Rep. by its Under Secretary, Ministry of Home Affairs, New Delhi.
2. The Union of India, Rep. by its Secretary, Ministry of Environment, Forest and Climatic Changes, New Delhi.
3. The Central Bureau of Investigation, Rep. by its Director, Plot No. 5-B, 6th Floor, CGO Complex, Lodhi Road, Jawaharlal Nehru Stadium Marg, Delhi 110003.
4. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Industries, Velagapudi, Amaravathi.
5. The State of Andhra Pradesh, Rep. by its Secretary, Ministry of Environment, Forest and Climatic Changes, Velagapudi, Amaravathi.
6. The State of Andhra Pradesh, Rep. by its Secretary, Home Department, Velagapudi, Amaravathi.
7. The State of Andhra Pradesh, Rep. by its Secretary, General Administration Department (SC.I), Velagapudi, Amaravathi.
8. Central Pollution Control Board, Rep. by its Member Secretary, Parivesh Bhawan, Maharshi Valmiki Marg, East Arjun Nagar, Vishwas Nagar Extension, Shandara, Delhi, 110032.

9. A.P. Pollution Control Board, Rep. by its Member Secretary, Kadiyala Vari St, Moghalrajpuram, Suryaraopeta, Vijayawada, Andhra Pradesh 520002.
10. The Collector and District Magistrate, Address. Krishnagar, Maharani Peta, Visakhapatnam, Andhra Pradesh 530002.
11. Commissioner of Labour, Kovelamudivari Street, Suryaraopeta, Vijayawada, Andhra Pradesh 520002.
12. Visakhapatnam Municipal Corporation, Rep. by its Commissioner, Chitralaya Rd, Suryabagh, Jagadamba Junction, Visakhapatnam, Andhra Pradesh 530020.
13. Chief Inspector of Factories, Department of Factories, Yadavula Bazar, Benz Circle, Vijayawada, Andhra Pradesh 520008.
14. State Crisis Group, Vijayawada, Krishna District.
15. Central Crisis Group, New Delhi
16. M/S LG Polymers India Pvt. Ltd., Rep. by its Managing Director, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029.
17. LG Chem, Rep. by its Managing Director, LG Twin Towers, 128 Yeoui-daer Yeongdeungpo-gu Seoul Korea, Republic of (South)
18. Byungkeun Song, Director, M/S LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029.
19. Hyun Seok Jang, Director, MIS LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029.
20. Sunkey Jeong, Director, MIS LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029.
21. Pooma Chandra Mohan Rao Pitchuka, Director, M/S LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029.
22. Chan Sik Chung, Director, MIS LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029.

...Respondents

Writ Petition under Article 226 of the Constitution of India praying to issue a writ, order or direction more particularly in the nature of a Writ of Mandamus and/or Certiorari and/or any other appropriate Writ(s) i. Declaring G.O. Rt. No. 449 dt 08.05.2020 and G.O. Rt. No. 803 dt 07.05.2020 as illegal and arbitrary to the extent that the State Government has ordered to pay compensation to the parties affected by the escape of Styrene Gas at about 3.30 AM on 07.05.2020 from the factory owned by LG Polymers India Pvt.Ltd in R.R.Venkatapuram Village, Pendurthy Mandal, Visakhapatnam(Gas Leakage or Incident) and consequently direct LG Polymers India Pvt Ltd. to pay the said compensation in the place and stead of the State Government. ii. Declaring the Schedule under Section 3(1) of The Public Liability Insurance Act, 1991 to be grossly inadequate and manifestly arbitrary and consequently revise the specified quantum of money payable as reliefs and/or direct the Union of India to revise the same as deemed fit and proper by this Hon'ble Court. iii. Directing the continuous implementation of Section 5, 6 and 7 of The Public Liability Insurance Act, 1991 and submission of weekly press reports by the District Collector, Visakhapatnam. iv. Directing LG Polymers India Pvt Ltd to state on affidavit all the compliances, standard operating procedures, permissions, insurance policies and other actions taken by it ensure the safety of its factory in R.R.Venkatapuram Village, Pendurthy Mandal, Visakhapatnam, India (Unit or Factory). v. Directing the Respondents to permanently close down the Factory and/or shift the Factory from the densely populated area to a suitable location. vi. Directing the Union of India to entrust the Central Bureau of Investigation or any other special/independent investigation agency to investigate into the Gas Leakage and if necessary, initiate prosecution against the persons responsible for the said incident including officials of the Government of Andhra Pradesh and LG Polymers India Pvt Ltd. vii. Directing the investigation authority to submit periodical status reports on the progress of the investigation into the Gas Leakage to this Hon'ble Court. viii. Directing the concerned departments to take action against the Officials departmentally for their negligent acts which led to the Gas Leakage. ix. Directing the Government of Andhra Pradesh to identify all other factories and industries in Andhra Pradesh which are flouting the applicable laws and take appropriate action against the said persons

The Writ Petitions coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 07.05.2020 in WP (PIL) No. 112 of 2020 made herein and upon hearing the arguments of Sri Sai Sanjay Suraneni, Advocate for the Petitioner, of Sri N. Harinath, Assistant Solicitor General for Respondent Nos.1 &2, of Sri S.Ravi, Senior Counsel for Sri D. Ravindra Naik, Advocate for Respondent Nos.16 to 22 and of Sri S.Sriram, Advocate General, for the Respondent Nos. 4, 5, 6, 7, 11, 13 & 14:

The Court made the following ORDER:

“Heard learned counsel appearing on behalf of petitioners and respondents in all the cases.

This Court on 07.05.2020 *suo-motu* has taken up the issue regarding leakage of Styrene Gas in Vizag and passed slew of directions to the respondents and also to file action taken reports by 20.05.2020. Both the State Government as well as Central Government filed their respective affidavits along with material to show the efforts made by them.

In the meantime, two Writ Petitions have been filed bearing W.P.Nos.117 of 2020 and 119 of 2020. In those Writ Petitions, certain issues have been raised. In addition to those issues and having regard to the following issues, explanation is necessary:

- *LG Polymers has been operating without a valid Environmental Clearance from the Ministry of Environment, Forests and Climate Change (MoEFCC).*
- *Dr.EASSarma (Former Energy Secretary/GOI) who filed a PIL in AP High Court over this issue, has included the report prepared by the duo (SagarDhara and K Babu Rao).*
- *The inhibitor concentration in the storage tank was not checked. Refrigeration system was not working properly.*
- *The radius of the vulnerable zone extended upto 6.3 Km from the source.*
- *There are several hospitals, educational institutions, places of worship, railway stations and airport within the vulnerable zone.*
- *Bystander population should have been informed of the risk they were at and trained in evacuation procedures in the event of an accident as per Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989. But, this has not been done.*
- *The siren/alarm system did not function.*

The replies filed by the State Government and Central Government are silent on the said issues.

The Advocate General and the Counsel appearing on behalf of the Assistant Solicitor General prays for time to apprise this Court and to file affidavit on the above said queries. Further, the reply is also necessary on the following issues:

- *What is the net worth of LG Polymers Pvt. Ltd., as per the provisions of the Companies Act, but not as per the book value.*
- *After registration of crime, on appointment of the investigation/inspection team and also when Magisterial enquiry was required, why, without appointment of the said panel or permission of the Court, Styrene Monomer has been permitted to be transported to South Korea and who is the person responsible for the same?*

After hearing the learned counsel appearing on behalf of both the parties, subject to filing reply by other side, we issue the following interim directions:


- i) The premises of the Company shall be completely seized and no one be allowed to enter into the premises including the Directors of the Company.
- ii) The Committee, if any, appointed wants to inspect the premises, they are at liberty but they shall put a note on the Register maintained at the gate of the Company regarding the said inspection and while returning, a note regarding the act done in the premises be also noted.
- iii) We further direct that none of the assets, movable or immovable, fixture, machinery and contents shall be allowed to be shifted without the leave of the Court.

- iv) As stated before the Court, the Directors of the Company have surrendered their passport and they are in India, however, we direct that their passports shall not be released without the leave of the Court and they be not allowed to go outside to India without leave.
- v) It be also apprised whether, during the lock down period, any permissions were obtained to restart the operations; if not, action taken report in this regard be filed.
- vi) In regard to the grievance shown regarding appointment of various Committees by the National Green Tribunal, Central Government and State Government; the Central Government and State Government are at liberty to apprise as to which Committee shall fulfill the purpose to answer all the quests in issue.

We direct the respondents to file the compliance report by 26.05.2020.
List these cases on 28.05.2020."

Sd/- M.S.V.NAVEEN CHANDRA
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To,

1. The Chief Secretary, State Of Andhra Pradesh, Secretariat, Velagapudi, Amaravati (by RPAD)
2. The Director General of Police, Andhra Pradesh, Mangalagiri, Guntur District (by RPAD)
3. The Commission of Police, Visakhapatnam City (by RPAD)
4. The Secretary, Ministry of Industries, Union of India, New Delhi (by RPAD)
5. The Secretary, Ministry of Environment and Pollution, Union of India, New Delhi (by RPAD)
6. The District Collector, Visakhapatnam District (by RPAD)
7. The Superintendent, King George Hospital, Visakhapatnam (by RPAD)
8. M/s. LG Polymers Ltd., LG Polymers RD RRV Puram, Naidu Thota, Visakhapatnam, Andhra Pradesh 530029 (by RPAD)
9. The Principal Secretary, State of Andhra Pradesh, Department of Industries, Secretariat, Andhra Pradesh. (by RPAD)
10. The Commissioner, Department of Industries, 0/o First Floor, Government Regional Printing Press Buildings, Mutyalampadu St, Vijayawada, 520 011, (by RPAD)
11. The Proprietor, LG Polymers Pvt. Ltd, RR Venkatapuram, Vishakapatnam, Andhra Pradesh-530 029. (by RPAD)
12. The Director, LG Polymers Pvt. Ltd, RR Venkatapuram, Vishalcapatnam, Andhra Pradesh-530 029 (by RPAD)
13. The Under Secretary, Union of India, Ministry of Home Affairs, New Delhi. (by RPAD)
14. The Secretary, Union of India, Ministry of Environment, Forest and Climatic Changes, New Delhi. (by RPAD)
15. The Director, Central Bureau of Investigation, Plot No. 5-B, 6th Floor, CGO Complex, Lodhi Road, Jawaharlal Nehru Stadium Marg, Delhi 110003. (by RPAD)
16. The Secretary, State of Andhra Pradesh, Ministry of Environment, Forest and Climatic Changes, Velagapudi, Amaravathi. (by RPAD)
17. The Secretary, State of Andhra Pradesh, Home Department, Velagapudi, Amaravathi. (by RPAD)
18. The Secretary, State of Andhra Pradesh, General Administration Department (SC.I), Velagapudi, Amaravathi. (by RPAD)
19. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, Maharshi Valmiki Marg, East Arjun Nagar, Vishwas Nagar Extension, Shandara, Delhi, 110032. (by RPAD)
20. Member Secretary, A.P. Pollution Control Board, Kadiyala Vari St, Moghalrajpuram, Suryaraopeta, Vijayawada, Andhra Pradesh 520002. (by RPAD)
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22. Commissioner of Labour, Kovelamudivari Street, Suryaraopeta, Vijayawada, Andhra Pradesh 520002. (by RPAD)
23. The Commissioner, Visakhapatnam Municipal Corporation, Chitralaya Rd, Suryabagh, Jagadamba Junction, Visakhapatnam, Andhra Pradesh 530020. (by RPAD)
24. Chief Inspector of Factories, Department of Factories, Yadavula Bazar, Benz Circle, Vijayawada, Andhra Pradesh 520008. (by RPAD)
25. The State Crisis Group, Vijayawada, Krishna District. (by RPAD)
26. The Central Crisis Group, New Delhi (by RPAD)
27. The Managing Director, M/S LG Polymers India Pvt. Ltd., Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029. (by RPAD)

28. The Managing Director, LG Chem, LG Twin Towers, 128 Yeoui-daer Yeongdeungpo-gu Seoul Korea, Republic of (South) (by RPAD)
29. Mr. Byungkeun Song, Director, M/S LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029. (by RPAD)
30. Mr. Hyun Seok Jang, Director, MIS LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029. (by RPAD)
31. Mr. Sunkey Jeong, Director, MIS LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029. (by RPAD)
32. Mr. Pooma Chandra Mohan Rao Pitchuka, Director, M/S LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029. (by RPAD)
33. Mr. Chan Sik Chung, Director, MIS LG Polymers India Pvt. Ltd, Quality Innovation and Solutions, RR Venkatapuram, Visakhapatnam 530029. (by RPAD)
34. One CC to Sri Y.V. Ravi Prasad, Amicus Curiae (by Mail)
35. One CC to Sri Josyula Bhaskar Rao, S.C. for Central Govt., (OPUC)
36. One CC to Sri D.Narendra Naik, Advocate (OPUC)
37. One CC to Sri Ch. Markondaiah, Advocate (OPUC)
38. One CC to Sri Sri Sai Sanjay Suraneni, Advocate (OPUC)
39. One CC to Sri D.Narendra Naik, Advocate (OPUC)
40. One CC to Sri S.Ravi, Advocate (OPUC)
41. One CC to Sri S.Sriram, Advocate (OPUC)
42. Two CC to THE ADVOCATE GENERAL Advocate [OUT]
43. Two CC to N. Harinath, Assistant Solicitor General (OUT)
44. Two CC to G.P. for Industries & Commerce, High Court of A.P. [OPUC]
45. One spare copy

MSR

HIGH COURT

HCJ
&
LKJ

DATED: 22/05/2020

23 MAY 2020

NOTE : LIST THESE CASES ON 28.05.2020.

ORDER

WP(PIL).NO.112 OF 2020
WP(PIL).NO.117 OF 2020
AND
WP(PIL).NO.119 OF 2020

DIRECTION