

ITEM NO.24                      Virtual Court 1                                      SECTION XVII

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 Diary No(s). 11327/2020

(Arising out of impugned final judgment and order dated 08-05-2020  
in OA No. 73/2020 passed by the National Green Tribunal)

LG POLYMERS INDIA PRIVATE LIMITED                                      Petitioner(s)

VERSUS

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

Date : 19-05-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s)      Mr. Mukul Rohatgi, Senior Advocate  
                                 Ms. Pallavi Shroff, Adv.  
                                 Mr. S. S. Shroff, AOR  
                                 Mr. Anuj Berry, Adv.

For Respondent(s)

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

Mr. Mukul Rohatgi, learned senior Advocate appearing in support of the appeal submitted that soon after the fateful incident, the High Court took cognizance in Suo Motu W.P.(PIL) No.112/2020 and directed the State Government to constitute a Committee of appropriate Officers not below the rank of Principal Secretaries. Pursuant thereto, the State Government by order dated 8.5.2020 appointed a Committee comprising of five officers including Member-Secretary of the State Pollution Control Board.

**Paras 4 and 5 of the order are to the following effect:**

**"4. The Government is fully committed to ensuring that such a harmful incident does not take place again. To achieve this, the Government hereby appoints a High-Power Committee to robe into the causes behind the gas leak and to take stock of the recovery steps being taken in response to the incident.**

Sl.No.	Name of the Officer & Designation	Department	Chair/Member
1.	Sri Neerab Kumar Prasad, IAS, Special Chief Secretary to Government	EFS&T Department	Chairman
2.	Sri R. Karikal Valaven IAS, Special Chief Secretary to Government	Industries & Commerce Department	Member
3.	Sri Vinay Chand, IAS	Collector and District Magistrate, Visakhapatnam	Member
4.	Sri R.K. Meena, IPS	Commissioner of Police, Visakhapatnam	Member
5.	Sri Vivek Yadav, IAS	Member Secretary, AP Pollution Control Board.	Member-Convenor

**5. The terms of reference of the High-Power Committee on the vapour gas leak incident at LG Polymer Plant, Visakhapatnam are as follows:**

- a. The Committee shall enquire on reasons for the leakage, including varifying if the Company had adhered to all safety protocols;
- b. The Committee shall study if there are long-term effects of the gas leakage on the surrounding villages, if any;
- c. The Committee shall recommend proposed action to be taken against the Unit by the Government, in case of any negligence on the vapour leak incident in Visakahapatnam;
- d. The Committee will suggest measures to be taken by Industry units, including safety audits, to prevent such mishaps in future;
- e. In case there are any observations and suggestions for all similar industrial plants, those too shall be communicated in the report."

**Mr. Rohatgi further submitted that apart from this Committee,**

appropriate proceedings have been taken by concerned District Magistrates as well as by the Central Government and NHRC. In his submission given the circumstances that the matter is engaging the attention of a Committee appointed pursuant to suo motu cognizance taken by the High Court, there was no occasion for the NGT to appoint a further Committee.

He stated that in compliance of the directions issued by the NGT, the appellant has deposited the amount of Rs.50 crores and at this stage the appellant is not seeking any relief with regard to said sum but the legal issues raised by the appellant need consideration. Reliance was also placed on some of the orders passed by this Court where the question whether NGT could take suo motu cognizance of any matter was squarely in issue. It was, therefore, submitted that the direction taking suo motu cognizance by the Tribunal be stayed.

We have been given to understand that the matter is now listed before the NGT on 1<sup>st</sup> June, 2020. In the circumstances, we give liberty to the appellant to raise appropriate contentions before the NGT on the next date. The submissions raised by the appellant may be dealt with by the NGT as early as possible.

List for further consideration on 8.6.2020.

(INDU MARWAH)  
COURT MASTER (SH)

(PRADEEP KUMAR)  
BRANCH OFFICER