

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

(By Video Conferencing)

Original Application No. 79/2021

In re: News item published in The Hindu dated 14.03.2021 titled **“Safety lapses led to reactor blast at pharma unit”**

Date of hearing: 16.03.2021

**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 put up in light of the media report titled ‘*Safety lapses led to reactor blast at pharma unit*’¹. The report mentions the incident of **explosion of 3,000 kg reactor at the production wing of Tyche Industries Limited, on the outskirts of Kakinada, Andhra Pradesh (AP), on March 11, 2021, due to lack of safety mechanism and risk assessment failure. Two supervisors were killed and four workers severely injured** who are still battling for life at a private hospital. Deputy Inspector of Factories, Kakinada, Mr. V. Suresh said there were several safety lapses at the pharma unit. Inadequate calculation of the capacity of the reactor is also a prime reason behind its explosion, due to heavy pressure beyond its capacity. The size of the safety system installed in the unit is much lower than the actual requirement. Staff dealing with the reactor operations failed to calculate the scale of risk. The Tyche management has been directed to shut

¹ Dated 11.03.2021, The Hindu: <https://www.thehindu.com/news/national/andhra-pradesh/safety-lapses-led-to-reactor-blast-at-pharma-unit/article34063916.ece>

down the unit until further orders from the Directorate of Factories. The State Government is preparing to order a technical probe into the incident soon. A case has been registered against the Tyche Industries Limited management under Section 304 A on the grounds of causing death by negligence.

2. From the media reports, subject to further verification, there appears to be non-compliance of statutory safeguards under the provisions of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (“the 1989 Rules”), the Hazardous and other Waste (Management and Transboundary Movement) Rules, 2016 and the Plastic Waste Management Rules, 2016 which give rise to substantial questions of environment, which need to be determined and directions issued for compensating the victims and restoration of environment, apart from measures to prevent such incidents in future.

3. As per law laid down in *M.C Mehta v. UoI & Ors.*², the owner/occupier of the hazardous activity is responsible for compensation to the victims and for restoration of the environment. Before proceeding further, it is necessary to **ascertain the cause of the incident, the extent of damage caused, the extent of compensation required to be paid for damage to the environment as well as for loss of lives, causing of injuries and steps required to be taken for preventing any such occurrence in future**, on the same pattern as the Tribunal has dealt with **such accidents in the recent past**³.

² (1987) 1 SCC 395

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i. Order dated 01.06.2020, relating to incident of gas leak dated 07.05.2020 in **LG Polymers India Pvt. Limited** at Vishakhapatnam, resulting in death of 11 persons and injuries to more than 100, apart from other damage (OA No. 73/2020, In re: Gas Leak at LG Polymers Chemical Plant in RR Venkatapuram Village Visakhapatnam in Andhra Pradesh);

4. While directing **issuance of notice to the CPCB, AP State PCB, Directorate of Factories, AP, the District Magistrate, Kakinada, AP and Tyche Industries Limited, Kakinada, AP by e-mail**, we constitute

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- ii. Order dated 03.02.2021, relating to incident dated 03.06.2020 in a chemical factory, **Yashyashvi Rasayan Pvt. Ltd.** at Dahej, District Bharuch, Gujarat resulting in deaths and injuries and other damage (OA No. 85/2020) (Earlier OA 22/2020) (WZ), Aryavart Foundation through its President vs. Yashyashvi Rasayan Pvt. Ltd. & Anr.);
 - iii. Order dated 06.08.2020, in relation to incident of **oil well blow out on 27.05.2020 at Baghjan in the Tinsukia District of Assam** resulting in deaths, injuries and damage to the environment (OA No. 43/2020(EZ), Bonani Kakkar vs. Oil India Limited & Ors.).
 - iv. Orders dated 06.07.2020 and 22.12.2020, relating to incident dated 30.06.2020 on account of gas leakage at **Sainor Life Sciences** factory at Parawada in industrial area on the outskirts of Vishakhapatnam (OA No. 106/2020, News item published in the local daily “Economic Times” dated 30.06.2020 titled “Another Gas Leakage at Vizag Factory kills two, critically injures four...”);
 - v. Orders dated 08.07.2020 and 22.12.2020, dealing with the incident dated 01.07.2020 resulting in death of 6 person and injury to 17 due to blast of boiler in **M/s Neyveli Thermal Power Station** (NLCIL), Cuddalore (OA No. 108/2020, News item published in the “Indian Express” dated 01.07.2020 titled “Tamil Nadu Neyveli boiler blast: 6 dead, 17 injured”) and;
 - vi. Orders dated 23.07.2020 and 22.12.2020, in relation to incident of **fire engulfed the chemical plant of Visakha Solvents Ltd**, Vizag on 13.07.2020 at Ramky CETP Solvents building in Pharma City resulting in injuries (OA No. 134/2020, News item published on 13.07.2020 in the local daily named “India Today” titled “Massive fire engulf Vizag chemical plant, explosions heard, injuries reported”).
 - vii. Order **dated 18.12.2020**, in relation to incident of **explosion in a plastic recycling factory at Sujapur in Malda on 1.12.2020** resulting in death of six persons, including two minors and serious injuries to four persons (OA No. 272/2020, News item published in the “Times of India” dated 20.11.2020 entitled “Six killed as blast tears through Malda Plastic recycling factory”).
 - viii. Order dated **18.12.2020**, in relation to incident of **methane gas leak in a sugar factory** called Lokenete Bapurao Patil Agro Industries Ltd. in Mohol Taluka of Solapur District, Maharashtra on 21.11.2020 resulting in deaths and injuries and other damage (OA No. 274/2020, News item published in the “Indian Express” dated 23.11.2020 entitled “Maharashtra: Two Killed, eight injured in methane gas leak in sugar factory”).
 - ix. Order dated 08.01.2021, in relation to **Gas Leak in Agro Company** (O.A No. 107/2020, In RE: News item published in the local daily “Indian Express Sunday Express” dated 28.06.2020 titled “Gas Leak in Agro Company Claims life of one”)
 - x. Order dated 18.01.2021, in relation to News item published in Navbharat Times dated 24.12.2020 titled “**Gas leaks in IFFCO Plant, 2 Officers dead**” (O.A No. 04/2020, In re : News item published in Navbharat Times dated 24.12.2020 titled “Gas leaks in IFFCO Plant, 2 Officers dead”)
 - xi. Order dated **11.02.2021**, in relation to accident of **toxic gas leak in Rourkela Steel Plant in Orissa**” (O.A. No. 09/2021, In re: News item published in The Indian Express dated 07.01.2021 titled “Four workers dead due to toxic gas leak in Rourkela Steel Plant”)
 - xii. Order dated **16.02.2021**, in relation to accident of **Virudhunagar firecracker factory blast** (O.A. No. 44/2021, In re: News item published in The News Indian Express dated 12.02.2021 titled “At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured”)
 - xiii. Order dated **25.02.2021** in relation to accident of **quarry blast in Hiremagavalli, Chikkaballapur, Karnataka** (O.A. No. 59/2021, In re: News item published in Times Now News dated 23.02.2021 titled “Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur”)
 - xiv. Order dated **25.02.2021** in relation to accident of **fire at UPL plant**, Jhagadia, District Bharuch, Gujarat (O.A. No. 60/2021, In re: News item published in The Hindu dated 23.02.2021 titled “Two dead, 5 missing in fire at UPL Plant”)
 - xv. Order dated **02.03.2021** in relation to accident of **massive fire broke out at an illegal factory at Pratap Nagar, North Delhi** (O.A. No. 65/2021, In re: News item published in The Times of India dated 28.02.2021 titled “Delhi: Man charred to death as illegal factory catches fire”)

a five-member joint committee comprising MoEF&CC, CPCB, AP State PCB, Directorate of Factories, AP and the District Magistrate, Kakinada, AP. The nodal agency for coordination and compliance will be the CPCB and the State PCB. The joint Committee may visit to the site and give its report about the cause of the incident, the extent of damage caused, the extent of compensation required to be paid for damage to the environment as well as for loss of lives, injuries and steps required to be taken for preventing any such occurrence in future within one month. Except for visit to the site at least once, the Committee will be free to conduct its proceedings online. It will be free to take the assistance from any other expert/organization. The Committee may suitably interact with the stakeholders and, apart from considering the present incident, also consider remedial measures for preventing such incidents in the area or by other establishments, even beyond the said area. The Committee may compile information about existence and working of onsite and offsite plans in terms of 1989 Rules and conducting of mock drills and safety SOPs and compliance status of environment norms. Since in the recent past, the Tribunal has dealt with similar issues of industrial accidents resulting in deaths and injuries and Expert Committees in some of such accidents have given reports to this Tribunal, such reports may also be taken into account by the Committee to the extent relevant. The reports are available on the website of the CPCB. The report may be filed by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Simultaneously, the report may also be uploaded on the website of the CPCB to enable the concerned stakeholders to access the same and file their response, if any.

A copy of this order be forwarded to the MoEF&CC, CPCB, AP State PCB, Directorate of Factories, AP and the District Magistrate, Kakinada, AP by e-mail for compliance.

List for further consideration on 30.04.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 16, 2021
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