

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

(By Video Conferencing)

Original Application No. 448/2022

In re: News item published in Hindustan Times dated 03.06.2022 titled  
**“178 women workers fall ill after gas leak in Andhra’s  
Visakhapatnam”**

Date of completion of hearing and reserving of order: 01.08.2022

Date of uploading of order on the website: 03.08.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

**ORDER**

1. Proceedings have been initiated *suo-moto* in view of captioned report to the effect that there was gas leak affecting the health of 178 women workers at Visakhapatnam.
2. In pursuance of advance notice dated 06.06.2022, issued by the Registry, response has been filed by CPCB, State PCB and Porus Laboratories Private Limited. Submissions have also been filed by an NGO – “Scientists for People”.
3. The NGO has submitted that the gas released in the present case is from Seeds Intimate Apparel Factory and Porus Lab in APIIC SEZ, exposing 369 women workers to ammonia. There is also probability of incident on account of handling of viscose fabric for innerwear. NGO has accordingly, suggested a scientific study.

4. Stand of CPCB is that according to version of State PCB, gas leak is from M/s Brandix Apparel India Ltd. and not from Porus Lab Private Limited. CPCB has prepared Guidelines titled “**Integrated Guidance Framework for Chemicals Safety in Respect of the Isolated Storages and Industries Covered Under Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989**” in pursuance of orders of this Tribunal dated 11.06.2021 in *O.A. No. 60/2021* which has been forwarded to all State PCBs/PCCs on 24.12.2021.

5. The State PCB has stated that the incident took place at M/s Seeds Intimate Apparel India Pvt. Ltd. in Special Economic Zone (SEZ) of M/s Brandix India Apparel City (Pvt.) Ltd., (BIAC) Pudimadaka Road, Atchuthapuram, Anakapalli District. The State PCB constituted a Committee to enquire into the incident which has given its report. The report has been examined by the State Government and the matter has been referred to ICMR. The State PCB has sought willingness for further investigation from ICMR, Bhopal, Chennai and Bengaluru.

6. Stand of Porus Laboratories Private Limited is that no leakage has taken place from its premises.

7. From the above, it is seen that large number of workers and inhabitants are adversely affected by gas leakage. According to media report, the leakage took place from Porus Laboratories Pvt. Ltd. but the said unit has denied leakage was from its unit. The State PCB has conducted some investigation but copy of the report has not been filed. According to State PCB, incident has taken place at M/s Seeds Intimate Apparel India Pvt. Ltd. in the premises of M/s Brandix India Apparel City.

Learned Counsel for Brandix India Apparel City has put in appearance and submitted that the source of leakage is not from its unit.

8. While in view of precautionary principle, scientific proof of source is not a condition precedent for action, which can be on probabilities also, burden of proof then being on the unit to rule out its involvement, further inquiry in the matter may be appropriate to fix liability and to prevent recurrence of such incidents in future.

9. This Tribunal has come across violations of safety norms resulting in loss of human lives in the said area even earlier. Reference may *inter-alia* be made to fatal accidents in Nellore District on 29.07.2020 and 11.05.2021 considered by this Tribunal in O.A. 144/2020 vide order dated 07.12.2021 and to incident of gas leak at Vizag on 07.05.2020 resulting in death of 12 persons which was dealt with by this Tribunal vide order dated 01.06.2020 in O.A. No. 73/2020. There have been such industrial accidents adversely affecting humans and environment in Andhra Pradesh.<sup>1</sup>

10. The statutory safety norms are laid down *inter-alia* in Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 (“the 1989 Rules”), Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996 (The 1996 Rules), Factories Act, 1948 and Disaster Management Act, 2005. The 1989 Rules require on-site and off-

---

<sup>1</sup> 1. 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...”, OA No. 106/2020 decided on 22.12.2020.

2. 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”, OA No. 134/2020 decided on 22.12.2020.

3. In re: News item in NDTV dated 14.04.2022 titled “6 killed, 12 injured after fire breaks out at Andhra Pradesh Pharma Unit”, OA No. 284/2022 decided on 20.04.2022.

site plans and holding of mock drills, apart from other safety issues including siting. Chemical Accidents Rules provide for establishment of Central, State District and Local Level Crisis Alert Systems. Director Industrial Safety and State Chief Inspector of factories are to deal with the safety issues under the Factories Act. National Disaster Management Authority and other such authorities at State and District levels have been constituted under the Disaster Management Act, 2005.

11. Accordingly, we constitute a six member joint Committee headed by Chairman State PCB with Regional Director, CPCB, nominee of NDMA, Prof. P. Jagannadha Rao, Department of Chemical Engineering, Andhra University, Visakhapatnam, District Magistrate, Anakapalli, Director Industrial Safety, Andhra Pradesh and Indian Institute of Chemical Technology, Hyderabad. State PCB will be the nodal agency for coordination and compliance. The Committee may hold its first meetings preferably within two weeks and all or some of the Members may undertake visit to the site and interact with the stakeholders and victims to ascertain factual position. Except for site visit, other proceedings may be physical or online. The Committee will be at liberty to co-opt any other Experts/Institution. The Committee may ascertain cause of present incident and suggest measures to prevent such incidents. It may mark areas prone to such incidents and vulnerable industries so as to detect marker pollutant in case of mishaps and take immediate crisis management measures in future, apart from fixing accountability for the incident. Report of the Committee may be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If any violators are identified, copy of the report may also be furnished to them so that they may file their response, if any, before this Tribunal.

12. Though in the present matter hearing was concluded on 01.08.2022 and order was to be pronounced within two days, it has come to our notice from today's media report<sup>2</sup> that a further incident of gas leak has taken place in the area from M/s Seeds Intimate Apparel India Pvt. Ltd. in Brandix SEZ in Anakapalle District of Andhra Pradesh. This has affected about 50 people. This incident may also be taken into account by the Committee and if possible, the Committee may undertake site visit within one week and give an interim report of the factual observations, preferably within two weeks. Based on the said factual observations, further course of action may be indicated in the final report.

List for further consideration on 16.12.2022.

A copy of this order be forwarded to Chairman State PCB, Regional Director, CPCB, nominee of NDMA, Prof. P. Jagannadha Rao, Department of Chemical Engineering, Andhra University, Visakhapatnam, Director Industrial Safety, Andhra Pradesh, District Magistrate, Anakapalli and Indian Institute of Chemical Technology, Hyderabad by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

August 3, 2022  
Original Application No. 448/2022  
SN

---

<sup>2</sup> Gas Leak In Industrial Area Near Visakhapatnam, 50 Hospitalised: [https://www.ndtv.com/india-news/gas-leak-in-industrial-area-near-visakhapatnam-50-fall-ill-hospitalised-3218582?utm\\_source=newsshowcase&utm\\_medium=gnews&utm\\_campaign=CDAQ8oW5wamYwMZzGK\\_59fnG1qmQrwEqEAgAKgcICjCPyf8KMMit-QI&utm\\_content=rundown](https://www.ndtv.com/india-news/gas-leak-in-industrial-area-near-visakhapatnam-50-fall-ill-hospitalised-3218582?utm_source=newsshowcase&utm_medium=gnews&utm_campaign=CDAQ8oW5wamYwMZzGK_59fnG1qmQrwEqEAgAKgcICjCPyf8KMMit-QI&utm_content=rundown)