

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI  
FRIDAY THE TWENTY NINTH 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, Poisonous 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. Commissioner of Police, Visakhapatnam City
4. Union of India, Rep by the Secretary, Ministry of Industries, New Delhi
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 from 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.

**IA NO: 2 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 grant leave and permitting the respondent No.8 Company to take out and sell the finished goods / products i.e. 1505.05 MT of Polystyrene, 2621.12 MT of Expandable Polyesterene, and 361.193 MT of Engineered Plastics Compound which were manufactured prior to 24.03.2020 and are presently stored in godowns at the Plant.

**IA NO: 3 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 lift the seizure order and direct the State to allow ingress and egress of all personnel including the Directors of the Company into the premises of the Respondent No.8 company including to accompany the Members of various Committees during inspection/enquiries and pass such other order or orders as this Hon'ble Court may deem fit and necessary in the given facts and circumstances of the case.

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 and dated 22.05.2020 in WP (PIL) Nos. 112, 117 and 119 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 and 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, Vishakapatnam, 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 Apadhbandhu 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 Apadhbandhu 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 and dated 22.05.2020 in WP (PIL) Nos. 112, 117 and 119 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 (S.C.D), 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. Poorna 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 Sections 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 to 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

These Writ Petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof and the orders of the High Court dated 07.05.2020 in WP (PIL) No. 112 of 2020 and dated 22.05.2020 in WP (PIL) Nos. 112, 117 and 119 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 in W.P.(PIL) No.112 of 2020, W.P.Nos.117 & 119 of 2020, learned Advocate General appearing for the State, learned Assistant Solicitor General, Sri Y.Srinivasa Murthy, learned counsel for the Central Pollution Control Board and the State Pollution Control Board and the Senior Counsel Sri S.Ravi, appearing on behalf of M/s LG Polymers Ltd.**

**On behalf of M/s LG Polymers, four interlocutory applications were filed. I.A.No.2 of 2020 is filed seeking leave of this Court to permit the 8<sup>th</sup> respondent-company to take out and sell the finished goods / products i.e. 1505.05 MT of Polystyrene, 2621.12 MT of Expandable Polystyrene and 361.193 MT of Engineered Plastics Compound, which were manufactured prior to 24.03.2020.**

**I.A.No.3 of 2020 is filed seeking direction to lift the seizure order and to direct the State to allow ingress and egress of all personnel including the Directors of the Company into the 8<sup>th</sup> respondent-company and to permit them to accompany the members of various committees during the inspection and enquiries.**

**Learned Advocate General, representing the State and the learned Assistant Solicitor General are directed to file their respective replies in respect to I.A.Nos.2 & 3 of 2020 by 02.06.2020 by serving copies to the other side and thereafter, the 8<sup>th</sup> respondent shall file its reply, if any, by serving copies on the other side.**

**During the course of hearing, it is brought to our notice that already counters are filed by the State Pollution Control Board as well as Central Pollution Control Board. However, as the copies of counters are not supplied to the other side, we direct the learned counsel to supply the copies of counters to the other side by 02.06.2020.**

**This Court on 22.05.2020 passed a detailed interim order, directing the parties to file their respective counters / reports on certain queries by this Court. After hearing the parties at length today, we feel that there are certain aspects which were not answered by**



the respondents in their respective counters / reports. Hence, we deem it appropriate to direct the parties to file a detailed reply to the following queries by 02.06.2020:

- 1) In the action taken report filed by the Advocate General, it is stated that 13,000 tones of Styrene monomer which was stored in 5 tanks at LG Polymers was shifted back to South Korea in two vessels and in the counter affidavit filed on behalf of the State Government, a table was drawn with regard to quantity of Styrene inventory. The 8<sup>th</sup> respondent in its counter affidavit has stated that 2166MT of Styrene Monomer was at the plant and 6860 MT of Styrene Monomer was at the third party storage tanks at the port. Hence, the specific query of this Court is, What is the quantity of Styrene Monomer transported to South Korea by 8<sup>th</sup> respondent-company and what is its actual market value?
- 2) Whether any permission is required to send back / transport the Styrene Monomer to South Korea and if so, with whose permission it was transported to South Korea?
- 3) When the Company has started its expansion work, from which date prior environmental clearance is required to be obtained by the Company and what are the steps taken by the State Government as well as the Central Government, when the company is functioning without environmental clearance?
- 4) Whether the company is located in the residential zone or what are the norms to be followed while granting permission for operation of such industry, which is dealing with hazardous chemical and whether the Rules and Regulations are followed while granting permissions?
- 5) It is stated in the counter affidavit that except the factory premises, all other lands are notified as residential lands. In that case, whether it is permissible to run the Industry, which is dealing with hazardous chemical close to habitation?

It is urged by the Company before the Hon'ble Supreme Court that several committees are appointed by different entities. In this regard, we direct the State as well as Central Government to point out the appropriate committee / agency to look into all the aspects right from environment, compensation and all related aspects.

Learned counsel for the petitioner submits that the present case is a case of absolute liability and squarely covered by the Judgment of the Hon'ble Apex Court in M.C.Mehta and another Vs. Union of India and others [(1987) 1 Supreme Court Cases 395], as such interim direction is sought directing the 8<sup>th</sup> respondent-company to deposit money as an interim relief to the victims. We direct M/s LG Polymers to file counter on this aspect and we will consider the same after taking into consideration of all the respective counters / reports and pass appropriate orders on the next date of hearing.

List all the matters on 04.06.2020 till such time *status quo* to be maintained in all aspects."

//TRUE COPY//

Sd/- M. RAMESH BABU  
ASSISTANT REGISTRAR

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 Commissioner 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)
  21. The Collector and District Magistrate, Krishnagar, Maharani Peta, Visakhapatnam, Andhra Pradesh 530002. (by RPAD)
  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. Poorna 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, High Court of A.P. [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



**HIGH COURT**

**HCJ  
&  
LKJ**

**DATED: 29/05/2020**

**NOTE : LIST THESE CASES ON 04.06.2020.**

**ORDER**

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

**DIRECTION**

