

ITEM NO.21

Virtual Court No.1

SECTION XII-A

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11636/2020

(Arising out of impugned final judgment and order dated 22-05-2020 in WPPIL No. 112/2020 22-05-2020 in WPPIL No. 117/2020 22-05-2020 in WPPIL No. 119/2020 passed by the High Court Of Andhra Pradesh At Amravati)

M/S LG POLYMERS INDIA PVT. LTD.

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

Respondent(s)

Date : 26-05-2020 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 Parties:

Mr. Mukul Rohatgi, Sr. Adv.
Ms. Pallavi Shroff, Adv.
Mr. Muthu Thangathurai, Adv.
Mr. Anuj Berry, Adv.
Mr. S. S. Shroff, AOR

For Respondent(s)

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

The order dated 22.5.2020 passed by the High Court of Andhra Pradesh at Amravathi is under challenge in the present proceedings.

While dealing with two Writ Petitions namely W.P.(Pil) Nos. 117 and 119 of 2020, the High Court directed the State Government and the Central Government to respond to certain queries posed by the High Court. Those queries were as under:

“.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, an 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?

Thereafter, certain interim directions were passed which for facility are set out hereunder:

“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.”

Mr. Mukul Rohatgi, learned Senior Advocate appearing for the petitioner submitted that a complete seizure or sealing of plant/premises will have tremendous adverse consequences and impact. It was submitted that the temperature of the plant cannot be allowed to go beyond 25° C; and if by any chance because of lack of adequate attention or safety measures, if the temperature goes beyond 25° C situation can have some ill effects. He, therefore, submitted that at least 28 technical personnel and two administrative officials/incharge must be given emergency access to the plant/premises at any given point of time so that adequate safety measures are undertaken round the clock. Mr. Rohatgi submitted that the list of these 30 personnel can be furnished to the District Collector by 4.00P.M. today so that access to those persons to such areas of the plant as are necessary can always be ensured.

It was further submitted that at the intermediate stages of manufacture, the Polymers that the petitioner manufactures can have toxic effects and therefore adequate safety measures have to be undertaken every time. He further submitted that the premises in question also house the administrative and Law Offices of the Company and in case the entirety of the premises are seized/sealed, the operation of the company will stand seriously prejudiced. It was submitted that the products lying for clearance be allowed to be cleared so that there are no adverse financial effects on the Company.

It was submitted that the inspections to be carried pursuant to the directions issued by the High Court must be in the presence

of officials of the Company so that adequate assistance as well as complete knowledge about the processes undertaken by the petitioner could also be highlighted sufficiently.

Mr. Rohatgi further submitted that one of the applications is also directed to be listed before the High Court on 27.5.2020.

Though, *prima facie*, we see force in the submissions, considering the fact that the compliance report was directed to be filed by 26.5.2020 and the matters may be taken up on 27.5.2020 & 28.5.2020, we give liberty to the petitioner to place all these issues and aspects for consideration by the High Court.

As an *ad interim* measure, we permit the petitioner to give a list of 30 personnel as discussed hereinabove. Upon such names being given to the District Collector, those persons shall be afforded access to the plant round the clock to maintain adequate safety measures.

This *ad interim* direction will continue till the High Court considers the matter. The High Court may, thereafter, pass appropriate directions.

All the submissions as noted above may be raised before the High Court.

List alongwith Civil Appeal Diary No(s). 11327/2020 on 8.6.2020.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER