

**HIGH COURT OF ANDHRA PRADESH : AMARAVATI**

**MAIN CASE: WP(PIL).No.112 of 2020, WP(PIL).No.117 of 2020,  
WP(PIL).No.119 of 2020 and WP (PIL).No.147 of 2020**

**PROCEEDINGS SHEET**

Sl. No.	DATE	ORDER	OFFICE NOTE
	06.04.2021	<p style="text-align: center;"><i>(Taken up through video conferencing)</i></p> <p>Heard Mr. Mukul Rohatgi, learned senior counsel appearing along with Mr. Anuj Berry, learned counsel, for LG Polymers India Private Limited, respondent No.8 in W.P.(PIL).No.112 of 2020.</p> <p>Also heard Mr. C. Sumon, learned Government Pleader attached to the office of the learned Advocate General, Mr. N. Harinath, learned Assistant Solicitor General, Mr. Y. Srinivasa Murthy, learned standing counsel for Central Pollution Control Board, Mr. V. Surendra Reddy, learned stand counsel for A.P. Pollution Control Board, and Mr. Josyula Bhaskara Rao, learned standing counsel for Central Government.</p> <p>Mr. Ch. Markondaiah, learned counsel for the petitioner in W.P.(PIL).No.117 of 2020, Ms. Avanija, learned counsel representing Mr. Sai Sanjay Suraneni, learned counsel for the petitioner in W.P.(PIL).No.119 of 2020, and Ms. Alekhya, learned counsel representing Mr. P.B. Vijay Kumar, learned counsel for the petitioner in W.P.(PIL) No.147 of 2020, are present.</p> <p>Though Mr. Y.V. Ravi Prasad, learned senior counsel appointed as <i>amicus curiae</i>, is present, there is some connectivity problem at his end.</p> <p>Relying on averments and prayers made in I.A.Nos.5, 6 and 14 of 2020 in W.P.(PIL).No.112 of 2020, Mr. Mukul Rohatgi prays that permission be granted to respondent No.8 to sell raw materials and other inventory which are in the sealed premises of respondent No.8. He has submitted that apart from the above, a Memo dated 17.11.2020 is also filed enclosing details of finished goods as well as details of packing materials, stored at the premises of respondent</p>	

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		<p>No.8. He has submitted that although the total number of items in the inventory as annexed with I.A.No.14 of 2020 and Annexure-A to the Memo dated 17.11.2020 do not match, the same is on account of the fact that certain items have been clubbed together and for the purpose of consideration of these applications, Annexure-A to the Memo dated 17.11.2020 may be taken as the final list of inventory available at the sealed premises of respondent No.8.</p> <p>Learned senior counsel submits that unless the materials are allowed to be sold, given their hazardous, volatile and flammable nature, they may result in fire, explosion or leakage of hazardous gasses/ substances. He has submitted that for the purpose of making arrangement for sale of the materials, respondent No.8 would give a list of employees to the District Collector, Visakhapatnam, so that they can enter the sealed premises and undertake preliminary work. His further submission is that the sale(s) may be allowed to be conducted, subject to approval of such authorities as may be considered appropriate by this Court. It is also contended by him that proceeds of the sale may be allowed to be retained by respondent No.8, as a sum of Rs.50.00 crores is already lying in deposit with the National Green Tribunal.</p> <p>On a query of the Court, Mr. Anuj Berry assisting Mr. Mukul Rohatgi has submitted that the goods lying in the sealed factory premises may, at the most, fetch an amount of Rs.40.00 to 45.00 crores but since there is lapse of considerable period of time, such value might have further diminished.</p> <p>Mr. C. Sumon, learned Government Pleader appearing for the State, submits that while there is no objection for the sale to be conducted, it is essential that the same has to be under the supervision of competent authority and he has submitted that this Court may consider constitution of a Committee with the Joint Chief Environmental Engineer, who is also the Zonal Officer at Visakhapatnam under the A.P. Pollution Control Board, Joint Chief Inspector of Factories,</p>	

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		<p>Visakhapatnam, and Deputy Chief Controller of Explosives, Petroleum and Explosives Safety Organization, Visakhapatnam, which would permit, on such terms and conditions, sale of the materials lying in the sealed premises of respondent No.8. He has also contended that apart from submitting a list of persons of respondent No.8 for entry into the sealed premises, respondent No.8 shall have to submit a list of persons on behalf of the prospective buyers, as and when they are identified, to the District Collector, Visakhapatnam, seeking approval for their entry into the sealed premises.</p> <p>On the submission of Mr. C. Sumon regarding constitution of the Committee for the purpose of supervision of the sale, Mr. Mukul Rohatgi has submitted that he will have no objection to the said submission.</p> <p>Opposing the prayer made by Mr. Mukul Rohatgi that the proceeds of the sale may be allowed to be retained by respondent No.8, Mr. C. Sumon submits that in the facts and circumstances of the case, it will be appropriate that sale proceedings are kept by way of fixed deposit in the name of the District Collector, Visakhapatnam, so that as and when required for payment of compensation, some amount of money is readily available. In this connection, he has submitted that selling of immovable property for the purpose of payment of compensation involves many difficulties and, therefore, it is essential that liquid money is readily available.</p> <p>We have considered the submissions of the learned counsel for the parties.</p> <p>This Court, by an order dated 22.05.2020, amongst others, had directed that none of the assets, movable or immovable, fixture, machinery and contents shall be allowed to be shifted from the sealed premises without the leave of the Court. The present prayers are made essentially to seek modification of the said direction or to seek leave for the purpose of sale of inventory as indicated in Annexure-A to the Memo dated 17.11.2020.</p>	

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		<p>In the order dated 11.11.2020, it was recorded that the learned counsel for the Central Pollution Control Board, learned Assistant Solicitor General and the learned counsel appearing on behalf of the State Government may seek appropriate instructions as to whether any sampling of the articles which are proposed to be disposed of are required to be retained.</p> <p>On a query of the Court, it is submitted by Mr. C. Sumon that samples had already been collected and, therefore, there is no necessity to keep any further samples of the items in the list of inventory.</p> <p>Considering the submissions of the learned counsel for the parties and keeping in view the fact that it may be hazardous to keep the goods in the sealed factory premises, as contended, we deem it appropriate to permit the sale of inventory as indicated in Annexure-A to the Memo dated 17.11.2020, subject to the following directions:</p> <p>1) Respondent No.8 may submit a list of employees for the purpose of entry into the sealed premises of respondent No.8 for undertaking preliminary works relating to the sale of inventory as indicated in Annexure-A to the Memo dated 17.11.2020, to the District Collector, Visakhapatnam.</p> <p>2) In the event of finding prospective buyers, if such prospective buyers want to inspect the items lying in the sealed premises, list of such persons on behalf of the prospective buyers may be submitted before the District Collector, Visakhapatnam, for his approval.</p> <p>3) A Committee is constituted with the Joint Chief Environmental Engineer (Zonal Officer at Visakhapatnam under the A.P. Pollution Control Board), Joint Chief Inspector of Factories, Visakhapatnam, and Deputy Chief Controller of Explosives, Petroleum and Explosives Safety Organization, Visakhapatnam, for the purpose of permitting sale of inventory, as indicated in Annexure-A to the Memo dated 17.11.2020, lying in the sealed factory premises, subject to such terms and conditions, as may be imposed by them.</p>	

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		<p>4) The District Collector and the members of the Committee so constituted shall render necessary assistance during the entire process.</p> <p>5) The sale proceeds should be deposited before the District Collector, Visakhapatnam, who will keep the same in a fixed deposit in the name of the District Collector. Ordered accordingly.</p> <p>As agreed upon, list these cases again on 27.04.2021, printing the name of Mr. Y. Srinivasa Murthy, learned standing counsel for the Central Pollution Control Board.</p> <p><b>ARUP KUMAR GOSWAMI, CJ</b>                      <b>C. PRAVEEN KUMAR, J</b></p> <p>IBL</p>	

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