

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, SOUTHERN  
ZONE, CHENNAI**

**Original Application No. 131 of 2023 (SZ)**

Parthiban J

... Applicant

**Vs**

The District Collector and Ors.

... Respondents

**REPLY FILED BY THE 4<sup>th</sup> RESPONDENT –**  
**APOLLO TYRES PVT LTD**



**M/s. AAV PARTNERS  
M VIJAYA MEHANATH  
S SARAVANAN  
R SURESH  
E KARTHIKEYAN  
TASHI ANIL**

**COUNSEL FOR 4<sup>th</sup> RESPONDENT**

**No. 74-76, Marshall's Enclave, Marhsall's Road,  
Egmore, Chennai – 600 008.  
Email : [saleemperson@gmail.com](mailto:saleemperson@gmail.com) Ph – 95000 69660**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
SOUTHERN ZONE, CHENNAI**

**Original Application No. 131 of 2023 (SZ)**

**BETWEEN**

Parthiban J  
2/18, Dharmaraja Koil Street,  
Chozhavaram Post,  
Karanodai, Tiruvallur,  
Tamil Nadu – 600 067

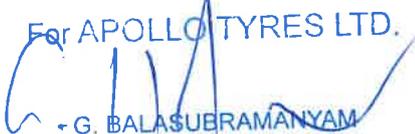
... Applicant

**AND**

1. The District Collector,  
First Floor, Collectorate,  
Kancheepuram.
2. The Chairman  
Tamil Nadu Pollution Control Board.  
76, Mount Salai,  
Guindy, Chennai – 600 032.
3. The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Plot No. CP-5B, SIPCOT Industrial Growth Centre,  
Vandalur – Wallajhabad Road, Oragadam,  
Kancheepuram District.
4. Apollo Tyres Ltd.,  
Rep. by its Manager Environment Health Safety (EHS)  
B-25, SIPCOT Industrial Growth Centre,  
Sriperumpudur – Singaperumal Koil State Highway,  
Oragadam, Sriperumpudur Taluk,  
Kancheepuram District – 602 105.

... Respondents



For APOLLO TYRES LTD.  
  
G. BALASUBRAMANYAM  
Authorised Signatory

## REPLY STATEMENT FILED ON BEHALF OF THE 4<sup>TH</sup> RESPONDENT

The 4<sup>th</sup> Respondent begs to submit as follows:-

**1.** That the present Original Application has been filed by the Applicant for the following relief:-

- "1. To direct the Respondents 1 to 3, to take immediate action against the 4<sup>th</sup> Respondent for improper/illegal disposal of HDPE/PP/Carbon Jumbo bags, as per law;*
- 2. To direct the Respondents 2 and 3 to assess Environmental Compensation, for the pollution caused by illegal disposal of the HDPE PP/Carbon jumbo bags, by the 4<sup>th</sup> Respondent, and levy the penalty as per Section 5 of the Environmental (Protection) Act, 1986 for causing damage to the environment without following the environmental norms.*
- 3. and to pass such further or other orders as this Hon'ble Tribunal may deem fit and necessary in the interest of justice."*

**2.** That this Respondent hereby denies all the allegations and averments made in the present application except those that are specifically admitted hereunder.

**3.** That before traversing parawise into the averments raised, it is necessary to point out the type of business and the procedures carried out by this Respondent and the same are as follows.

**4.** That this Respondent is an international tyre manufacturer and a leading tyre brand in India. It is built around the core principles of creating



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stakeholder value through reliability in its products and dependability in its relationships. It has 7 manufacturing plants, out of which 5 plants are in India and 2 in Europe (1 each in Netherlands and in Hungary). Its products are available in over 100 countries through a vast network of branded, exclusive and multi-product outlets and this Respondent is committed to building a responsible and sustainable business that benefits society. The product portfolio of the company includes the entire range of passenger car, SUV, MUV, light truck, truck-bus, two-wheeler, agriculture, industrial, specialty, bicycle and off-the-road tyres, and retreading material and tyres.

**5.** That the Respondent established its Chennai Plant situated at Mathur Village, Sriperumbudur Taluk, Kancheepuram District, after obtaining necessary Consents from the 2<sup>nd</sup> Respondent and has since periodically renewed the Consent to Operate bearing No. 2205243788473, dated: 20.08.2022 valid till March 31<sup>st</sup> 2026.

**6.** That the Chennai Plant of this Respondent manufactures radial tyres such as – Passenger Car Radial Tyres (PCR), Truck Bus Radial (TBR) Tyres and Light Truck Radial (LTR) Tyres. That the capacity of the plant for the manufacture is as follows :

Product Category	Nos/Day	MT/Day
PCR	16000 Tyres per Day	146 MT /Day
TBR	12000 Tyres per Day	791 MT/Day
LTR	1700 Tyres per Day	63 MT/Day

**7.** That this Respondent has obtained ISO 14001 (Environmental Management System) and ISO 45001 (Occupational Health and Safety Management System) certification by TUV SUD.

**8.** That this Respondent is also compliant with the Extended Producer Responsibility (EPR) regulation on plastic including packaging materials,



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bearing registration number: 202305038544824402 with the Central Pollution Control Board.

**9.** That one of the key raw ingredient which is necessary for the manufacture of tyres is "**Carbon Black**" and the said material is procured by the Respondent from (1) Birla Carbon (SKI Carbon), Gummudipoondi and (2) Philips Carbon, Gummudipoondi and the same is delivered to the plant in 1 MT (Metric Tonne) sealed HDPE (High Density Poly Ethelene) jumbo bags.

**10.** That the plant consumes 5000 MT per month and for which, about 5000 empty bags / month are being generated every month from the plant, the weight of such empty bags is equivalent to approximately 21 MT /Month.

**11.** It is submitted that Jumbo plastic bags are designed to transport the material (Carbon black) safely to prevent the leakage of product during transportation. Jumbo bags do have a lot of functional value even after finishing the primary purpose of transportation of carbon black and jumbo bags are non hazardous materials.

**12.** That Carbon Black is a Non-Hazardous material and there are no significant environmental or health Hazards associated with the material and it is not carcinogenic as alleged by the Applicant and this Respondent is not causing any environmental damage due to the usage of such material. The Respondent plant follows the following procedure while handling and disposing the said material during manufacture of Tyres :



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- (i) The Carbon Black is supplied in HDPE 1 MT jumbo bags and the bags (1 MT jumbo bags) are received and stored in separate, dedicated closed storage area.
- (ii) Carbon Black bags are handled through forklifts and the bags are lifted through hoist and charged to carbon charging bin.
- (iii) The Carbon Black in the bags is discharged through gravity, by hanging the bag vertically, over the bin, in closed environment so that there is no dust emission or spillage and thereafter, it is pneumatically conveyed to production line.
- (iv) After emptying the bags, they are thoroughly cleaned to ensure there is no residue of carbon black in the bag and then the empty jumbo bags collected are sent to vendor.
- (v) The empty bags are stored separately, these bags are sent to vendors.

**13.** That this Respondent always strives towards compliance of safety and environment regulations around the world and works together with different Governments to implement the same in a smooth manner. In addition, this Respondent has been continuously exploring the technical potentiality offered by silica in place of carbon black in all type of tyres to reach worthy balance of tyre performances. It is currently concluded that there is no technology available for a general replacement of the carbon black with other materials.



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**14.** That the subject of usage of silica in place of carbon black in the manufacturing of tyres was also discussed by ATMA (Automotive Tyre Manufacturer Association in India) with Ministry of Road Transport and Highways (MoRTH) against the backdrop of statement made by Mr. Nitin Gadkari, Union Minister, MoRTH on 8th July 2019, regarding mixing of Silica in the place of carbon black with Rubber in Tyre manufacturing to reduce Tyre Bursts. During the meeting it was highlighted that usage of Silica in the place of carbon black in the manufacturing of Tyres (both globally and in India) is not mandatory. Its usage is strictly based on application and desired performance. MoRTH agreed with the views expressed in the meeting and subject was concluded with no further action on the usage of carbon black.

#### **ALTERNATE MEASURES**

**15.** That this Respondent, as per Plastic waste management rules, 2016, is taking necessary steps to minimize the plastic waste from operation and is constantly striving to reduce the plastic usage from the operation. Further, this Respondent has worked with Birla Carbon (leading Carbon manufacturer) to develop a mechanism to eliminate the jumbo bags from the operation by introducing the Carbon tankers in their new plant in Andhra Pradesh and are currently exploring the possibility to expand this to all other plants in other states also.

**16.** It is submitted that by using Carbon Tankers, about 16-17 plastic jumbo bags (containing 18 to 20MT of Carbon Black) per bulker truck dispatch, can be saved. In the FY2022, this Respondent has dispatched 394 carbon trucks, saving an amount of 26.8 MT plastic.



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**PARAWISE REPLY :**

**17.** That the averments made in Para 4, 5 of the application are admitted to the extent about Carbon Black is one of the main component in the manufacture of rubber and tyres and about the manner in which it is produced along with its uses and procurement by the tyre industry.

**18.** That the allegations and averments made in Para 6 of the application that the HDPE bags having the label of this Respondent, containing residues of Carbon Black, were being used for storing cattle feed, storing paddy etc., is without any basis and denied as false. It is submitted that the HDPE bags are thoroughly emptied and cleaned to ensure that there is no residue of Carbon Black before they are sent to vendors by the Respondent. .

**19.** That the allegations and averments made in the Grounds A – E of the Application, that this Respondent had failed to follow the Plastic Waste Management Rules, 2016 and dispose of the waste through registered plastic waste recycler, are all denied. It is submitted that Rule 5 of the Plastic Waste Management Rules, 2016, specifies as follows :

"RULE 5 –

*1) The plastic waste management by the urban local bodies in their respective jurisdiction shall be as under:*

*(a) plastic waste, which can be recycled, shall be channelized to registered plastic waste recycler and recycling of plastic shall conform to the Indian Standard: IS 14534:1998 titled as Guidelines for Recycling of Plastics as amended from time to time.*

*..."*



For APOLLO TYRES LTD.  
*G. Balasubramanyam*  
G. BALASUBRAMANYAM  
Authorised Signatory

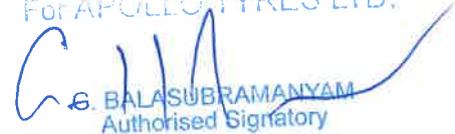
**20.** As seen from the above, it is submitted that this Respondent is well aware of its responsibility and liabilities in the safe disposal of the waste that is being generated by the plant and as such, the used plastic bags were being properly channelized, safely handed over and disposed off to vendors and companies that have uses for the said HDPE bags.

**21.** That HDPE bags are non-hazardous and does not cause any significant harm to health or environmental damage and has the potential to be recycled efficiently and as such, this Respondent has not caused any quantifiable environmental damage during handling, usage or disposal of the above HDPE bags or Carbon Black.

**22.** It is further submitted that, with a view to strengthen compliance with Plastic Waste Management Rules and to ensure that no waste that is being taken out from the plant is used in violation to the rules, this Respondent, as on 29.09.2023, has entered into an agreement with and are handing over the empty bags to M/s. Jeeva Enterprises, who are registered recyclers having Consent to Operate **(CTO)** under Air and Water Acts, both bearing Nos. 2108238152605 & 2108138152605 dated 15.04.2021 valid till March, 31<sup>st</sup> 2025, issued by the 2<sup>nd</sup> Respondent and also registered with Central Pollution Control Board having registration number PR-12-TAM-05-ASMPT4178Q-23 and having manufacturing facility at Thirumudivakkam, Chennai for recycling the bags and converting to granules, which are then sold to end users.



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**23.** It is further submitted that this Respondent has obtained all the necessary clearances from the statutory authorities for the operation of the plant as mandated under law and is duly complying with all precautions and conditions and hence, there is neither any Environmental Violation nor any statutory violation on the part of this Respondent and this Respondent is ready and willing to comply with any directions that this Hon'ble Tribunal be pleased to impose towards ensuring no damage to the environment or health.

Under the above circumstances, it is humbly prayed that this Hon'ble Tribunal may be pleased to take on record the above reply statement and pass such orders and thus render justice.

  
**COUNSEL FOR 4<sup>th</sup> RESPONDENT**



For APOLLO TYRES LTD.

  
G. BALASUBRAMANYAM  
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**4<sup>th</sup> RESPONDENT**

### VERIFICATION

I, G.Balasubramanyam , Son of Mr.S.Gopalan , aged 60 years, Head Commercial of M/s. Apollo Tyres, the 4<sup>th</sup> Respondent herein, having address at M/s.Apollo Tyres Ltd., B-25, SIPCOT Industrial Growth Centre Oragadam, Sriperumbudur, Tamil Nadu, India - 602105, do hereby verify that the contents of paras 1 to 23 are true to the best of my knowledge and paras 1 to 23 are believed to be true on legal advice and that I have not suppressed any material fact.



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**4<sup>th</sup> RESPONDENT**