

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

SOUTHERN ZONAL BENCH AT CHENNAI

ORIGINAL APPLICATION NO. 22 of 2022/SZ

IN THE MATTER OF:

A. KRISHNA & ORS.

...APPLICANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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Through



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Place:- Chennai/Delhi

Dated:- 14.07.2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**SOUTHERN ZONAL BENCH AT CHENNAI****ORIGINAL APPLICATION NO. 22 of 2022/SZ****IN THE MATTER OF:**

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Rejoinder To Reply Of Respondent No.2 (Central Pollution Control Board)
Dated 04.05.2022 And Respondent No.7 (Puducherry Pollution Control
Board) Dated 06.05.2022

MOST RESPECTFULLY SHOWETH:

1. That the above Application is being filed under Section 14 and 15, read with Section 20 of the National Green Tribunal Act, 2010 highlighting the violation of the Plastic Waste Management Rules, 2016. It is submitted that the Applicant in the Original Application is raising concern with respect to non-compliance of Rule 9 of Plastic Waste (Management) Rules, 2016 in the States of Kerala, Tamil Nadu, Andhra Pradesh and Karnataka by not demonstrating large scale recyclability, energy recovery or alternate use of multi-layered plastic containing materials. It is submitted that as per Rule 9 of the Plastic Rules, multi-layered plastics which are non-recyclable or non-energy recoverable or with no alternative use are to be phased out in two years' time.
2. That Respondent No. 2 and Respondent No. 7 have filed their counter affidavit to the OA filed by the Applicant. That the contents of the affidavit of Respondent No. 2 and Respondent No. 7 are denied in entirety, unless specifically admitted.

REJOINDER TO COUNTER AFFIDAVIT OF RESPONDENT NO. 2

3. That Respondent No. 2 has not provided any information or produced any records with regard to the collection, recyclability, alternate use and energy recovery of MLPs, as has been prayed for by the Applicants in the Interim Prayer of the Original Application and as was directed by this Hon'ble Tribunal vide Order dated 18.02.2022 in the present Application wherein it directed the following:

*"8. The **Ministry of Environment, Forests and climate Change (MoEF & CC), Central Pollution Control Board (CPCB) and the respective State Pollution Control Boards/Pollution Control Committee are directed to file the status of generation of multi-layered plastic products within their States and whether Rule 9(3) has been implemented in their State and if not, what is the action taken from their side to implement the same, whether there is any mechanism to ascertain the quantity of such plastic articles manufactured and the quantity of articles collected, segregated and recycled or re-used or disposed of in a scientific manner as required under the Plastic Waste Management Rules, 2016 (as amended in 2018) and if there is any gap, what is the nature of mechanism that they have taken to fill the gap."***

(Emphasis supplied)

4. That Respondent No. 2 has only stated that it has framed Guidelines on Extended Producer Responsibility and recycling of multi-layered plastic waste. However, the compliance under these Guidelines has not been highlighted by Respondent No. 2.

REJOINDER TO COUNTER AFFIDAVIT OF RESPONDENT NO. 7

5. That the Respondent No. 7 has raised the following ground in their Counter- Affidavit:
- (i) That the Union Territory of Puducherry has two multi-layered plastic manufacturing units i.e. M/s Amcor Flexibles India Private Limited and M/s Aparna Paper Processing Industry Pvt. Ltd. M/s Amcor Flexibles India Private Limited disposes off its waste through M/s Padma Polymers and M/s Aparna Paper Processing Industry Pvt. Ltd disposed off the waste through M/s Shri Lakshmi Plastics. Respondent No. 7 has claimed that Padma Polymers and Lakshmi Plastics are recycling the said waste or making some alternate use of it.
6. It is submitted that Respondent No. 7 has only provided details of waste management by Padma Polymers. However, it has failed to show whether this recyclability and alternate use being done by Padma Polymers is taking place at a large scale in order to absorb all the waste that is produced. Respondent No. 7 has not been able to demonstrate large-scale recyclability of the product. Even if recycling is taking place, it is happening at a very miniscule level, resulting in no impact on the total amount of waste being produced.
7. That Respondent No. 7 has not provided any proof/ evidence to show that the waste material produced by Aparna Paper Processing Industry is being recycled or being put to alternate use. Respondent No. 7 is making baseless statements that M/S Lakshmi Plastics converts "*MLP waste into laminated plastic waste and metallised plastic waste into granules and blocks*" and then sells "*to value added manufacturing plants*" without providing any evidence.

8. That Respondent No. 7 has also not provided any information or produced any records with regard to the collection, recyclability, alternate use and energy recovery of MLPs, as has been prayed for by the Applicants in the Interim Prayer of the Original Application and as was directed by this Hon'ble Tribunal vide Order dated 18.02.2022 in the present Application wherein it directed the following:

*"8. The **Ministry of Environment, Forests and climate Change (MoEF & CC), Central Pollution Control Board (CPCB) and the respective State Pollution Control Boards/Pollution Control Committee are directed to file the status of generation of multi-layered plastic products within their States and whether Rule 9(3) has been implemented in their State and if not, what is the action taken from their side to implement the same, whether there is any mechanism to ascertain the quantity of such plastic articles manufactured and the quantity of articles collected, segregated and recycled or re-used or disposed of in a scientific manner as required under the Plastic Waste Management Rules, 2016 (as amended in 2018) and if there is any gap, what is the nature of mechanism that they have taken to fill the gap."***

(Emphasis supplied)

In light of above, it is submitted that the reply of Respondent No. 2 and Respondent No. 7 is faulty and filed with an intention of misleading the Hon'ble Tribunal.

Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.

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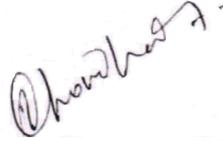


APPLICANT No. 2

THROUGH



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AFFIDAVIT

I, Antony Clement Rubin, R/O No. 1B, E Block, VGN Imperia Phase 1, 3rd Main Road, VGN Mahalakshmi Nagar, Thiruverkadu, Chennai- 600 007 do hereby solemnly affirm and declare as under:

1. That I am the ApplicantNo. 2 in the above titled Application and I am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.



DEPONENT

VERIFICATION

Verified on this ____ day of _____ 2022 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

Itisha

Itisha Awasthi Advocate



DEPONENT