

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI.

Original Application No. 993 of 2024.

&

Original Application No. 926 of 2024.

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 24, STATE OF GUJARAT.**

I, Ashvin Rajubhai Mistry, Adult: Occupation: Service, serving as the Unit Head, Plastic Waste Cell, Gujarat Pollution Control Board with the Respondent No. 24, having address at Paryavaran Bhavan, Sector-10-A, Gandhinagar, do hereby state on solemn affirmation and make this Affidavit, as under:

1. The present original application has been registered suo moto by this Hon'ble Tribunal on the basis of the news item titled "package where has the plastic waste disappeared" appearing in the Time of India dated 30.07.2024.
2. Vide Order dated 31.07.20024, this Hon'ble Tribunal, impleaded the answering Respondent, as the Respondent No. 24, with a direction to file response one week before the next date i.e. 05.09.2024 and the Order also recorded that the same be placed along with OA No. 926 of 2024 wherein, similar issue was pending. In the said matter, the Respondent No. 24 herein has been impleaded as the Respondent no. 3.
3. In view thereof, the present consolidated Affidavitis being filed in both the matters i.e. OA No. 993 of 2024 and OA No. 926 of 2024, placing on record the relevant facts and details.
  - a. The State of Gujarat (SoG), through Gujarat Pollution Control Board has fully complied the provisions of the Plastic Waste Management (Amendment) Rules - 2022 and has accordingly registered the Producers, Brand Owners and Importers in the State of Gujarat. Gujarat Pollution Control Board (GPCB) is fully committed to ensuring that all plastic-recycling companies operating within the state comply with the legal requirements set by the Central



*Ashvin Mistry*

Pollution Control Board and the Ministry of Environment, Forest and Climate Change.

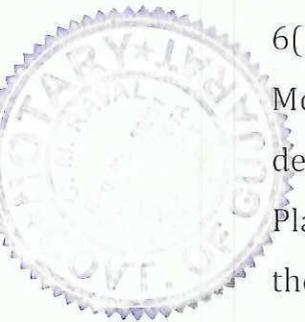
- b. Gujarat Pollution Control Board (GPCB) has taken proactive steps to ensure that all plastic waste generators within the state of Gujarat are registered on the EPR portal and comply with recycling and disposal norms.
- c. Gujarat Pollution Control Board (GPCB) has taken proactive measures to identify and rectify the discrepancies which were found in the issuance of EPR certificates and such measures include conducting physical audits, cross-checking data submitted by the respective recyclers, and verifying their recycling capacities carefully.
- d. As per the Plastic Waste Management (Amendment) Rules - 2022, Gujarat Pollution Control Board (GPCB) has immediately taken appropriate and adequate steps for the registration of the Producers, Brand Owners, Importers and Plastic Waste Processors by conducting meetings with the Stake Holders and associations.
- e. As a result of such exercise, the State of Gujarat has as on date, registered:
- 741 Producers,
  - 2420 Importers,
  - 109 Brand Owners and
  - 662 Plastic Waste Processors
- (which are the highest number of Plastic Waste Processors in any state across the Country)

f. As far as the Plastic Waste Processors within the State of Gujarat are Concerned, during regular inspection and audit of the such processors/industries, one Plastic Waste Processor viz. M/s. Asha Recycle Pvt. Ltd. was found in violation and there were discrepancies witnessed regarding the Plastic Waste Recycling credit certificate generation. In view thereof, the Gujarat Pollution Control Board (GPCB) issued a notice of intention, dated 28-08-2023 as per Section 5 of Environment Protection Act-1986 against the said unit asking clarifications. A copy of such notice is annexed hereto and is marked as "ANNEXURE - A" to this reply.



*[Handwritten signature]*

- g. In response to such notice of the GPCB, the said Unit, has submitted that the plasticwaste recycling credit certificates were generated due to the technical glitches of the Centralized Extended Producer Responsibility portal, which is developed and operated by Central Pollution Control Board. Thus, such reply was forwarded by the GPCB to the Central Pollution Control Board on 09-10-2023 for the clarification of the same. A copy of the same is annexed hereto and is marked as **"ANNEXURE - B"** to this reply.
- h. Accordingly, the Central Pollution Control Board inspected the industry on 01.09.2023 and during such inspection also, it was found that there were discrepancies regarding the the Plastic Waste Recycling credit certificate generation and in view of the same, CPCB has issued the Directions as per section 5 of Environment Protection Act-1986 addressed to the Chairman, Gujarat Pollution Control Board (GPCB) on 26.10.2023. A copy of such Directions is annexed hereto and is marked as **"ANNEXURE - C"** to this reply.
- i. In view of such directions, the Gujarat Pollution Control Board (GPCB) has issued Directions of Closure of such unit, as per section 5 of Environment Protection Act-1986 on 16.11.2023 and has further directed the electricity supplier to disconnect the Power supply of the said unit and also issued Environment Damage Compensation of Rs. 5,74,10,000/- for issuing fake credit certificated (as per the EDC guideline published by Central Pollution Control Board). A copy of such closure order dated 16.11.2023, is annexed hereto and is marked as **"ANNEXURE - D"** to this reply.
- j. Gujarat Pollution Control Board (GPCB) has also revoked the Consolidated Consent and Authorization issued to the said unit as per section 25 of the Water (Prevention and control of pollution) Act-1974, section 21 of the Air (Prevention and control of Pollution) Act-1981 and Authorization under Rule 6(2) of the Hazardous and other wastes (Management and Transboundary Movement) Rules, 2016. Gujarat Pollution Control Board (GPCB) has also debarred the registration issued to the said unit as per rule 13(3) of the Plastic Waste Management Rules, 2016 as amended for one year. A copy of the same is annexed hereto and is marked as **"ANNEXURE - E"** to this reply.
- k. Gujarat Pollution Control Board (GPCB) as on date is closely collaborating with the CPCB to address this issue. GPCB has also started the Audit of the



*[Handwritten signature]*

said violating industry as per the CPCB directions and is regularly sharing data and coordinating the enforcement actions.

- 4. It is most humbly stated before this Hon'ble Tribunal that apart from the above, as far as the state of Gujarat is concerned, there are no violations found and the GPCB is continuously monitoring all such units and is ensuring that there are no violations committed by any such unit.
  
- 5. The deponent would most humbly and respectfully would like to bring it to the attention of this Hon'ble Tribunal that in the Order dated 26.07.2024 passed in OA No. 926 of 2024, in para 2, second last line, it has been inadvertently mentioned as ".....Technova Recycling India Pvt Ltd(Gujarat).....". However, it is hereby clarified there is no such unit by the name of "Technova Recycling India Pvt. Ltd" in the state of Gujarat. It is thus urged before this Hon'ble Tribunal that the said fact be clarified, in the interest of justice.

What is stated hereinabove is true and correct.

Solemnly affirmed at Gandhinagar on this 07<sup>th</sup> day of April, 2025.



*[Handwritten Signature]*  
Deponent.

SOLEMNLY AFFIRMED  
BEFORE ME

*[Handwritten Signature]*

(C. M. RAVAL)  
NOTARY

GOVT. OF GUJARAT

17. APR 2025

Entered in Notary Register at  
Serial No. 139 Vol. No. III  
*[Handwritten Signature]*  
C. M. RAVAL ADVOCATE & NOTARY  
GANDHINAGAR

17. APR 2025

**GUJARAT POLLUTION CONTROL BOARD**

PARYAVARAN BHAVAN, SECTOR 10-A,

GANDHINAGAR - 382010,

(T) 079-23232152



**NOTICE OF INTENTION UNDER SECTION 5 OF ENVIRONMENT (PROTECTION) ACT-1986 FOR THE VIOLATION OF PLASTIC WASTE MANAGEMENT RULES, 2016 AS AMENDMEDED FROM TIME TO TIME**

**WHEREAS** you M/s. **Asha Recyclean India Pvt. Ltd**, are having an industrial plant at Plot No. 736, GIDC Industrial Area Waghodia, Village. Waghodia, Tal. Waghodia, Dist. Vadodara for recycling of plastic waste.

**WHEREAS** in exercise of power conferred under Section-25 of the Water (Prevention and Control of Pollution) Act-1974, the Board has granted Consent to operate issued vide order WH-53899 to operate industrial unit under provisions of aforesaid Acts/Rules with conditions stipulated therein.

**WHEREAS** in exercise of power conferred under Rules 13.1 of Plastic Waste Management (Amendment) Rules-2022 Board has granted Registration as Plastic Waste Processor vide PR-23-GUJ-09-AAUCA2923P-22 issued on 23-09-2022.

**AND WHEREAS** Your unit was inspected on 23-08-2023 by RO office, and it was observed that you have maximum capacity to recycle 704.376 MT/A plastic waste if extruder operated for 24 hours and 365 days.

**THUS**, you are having extruder capacity of Max. 704.36 (working 24Hrs.-365 days) though you have applied for the CC&A and Registration of 12,000 MT/Annum and you have submitted apparently misleading details in Chartered Engineer Certificate showing capacity of 35,640 MT/Annum.

**AND WHEREAS** as per the Extruder Capacity, unit can take maximum 704.36 MT/A production, whereas as per the dashboard details, unit has taken production of 11,393 MT in just 133 days. i.e. 31,266 MT/A. which indicates that misleading information of production data were entered in the Portal.

**AND WHEREAS** as per the material inward register collected during the inspection, you have received 301.385 MT of plastic waste between 03-01-2023 to 22-08-2023. However, as per the portal data unit has received 49017 MT of plastic waste between 16-01-2023 to 12-03-2023. which indicates again misleading information being provided on the portal.

**AND WHEREAS** you have procured total 80449 MT of plastic waste from different 92 units across 33 states of the country between 28-11-2022 to 12-03-2023 as per the details provided on the dashboard. Out of which as per the outward register provided during the inspection, total 543.985 MT of material sent to different units. So, there should be @79905 MT of Plastic waste material stored within the premises but during inspection only 10 MT of plastic waste material was found stored in premises.

**AND WHEREAS** as per the IR you have sold 467.778 MT of Recycled waste granules between 01-04-2022 to 06-08-2023, but you have provided details on Dashboard for selling of @ 11,400 MT of material sold between 15-03-2023 to 10-07-2023 which is @ 10933 higher than the actual recycling which indicates the data provided on Dashboard is misleading.

(P.T.O)

**AND WHEREAS** you have provided misleading information about invoice no. for the bills generated to the material sold. i.e., Invoice no. provided on GST bills are different than Invoice no. provided on the Dashboard.

**THEREFORE**, notice of intention as opportunity of being heard issued to you for violation of Plastic Waste Management Rules-2016 as amended under Section 5 of Environment Protection Act-1986 and you are directed to submit reply for the following in 5 days from the issue of this order:

1. Why your CCA and Registration under PWMR-2016 should not be revoked?
2. Why Environment Damage Compensation shall not be imposed on you for providing fallacious data while applying for Registration and details on the Dashboard?
3. Why CPCB shall not be informed for the misleading information provided on the Portal by you and debar you as PWP as per the provision of rule 11.4 of Plastic Waste Management (Amendment) Rules-2022?

The Order is issued after obtaining permission from competent authority

*D. M. Thaker*  
*28/8/2023*  
**(D.M. Thaker)**  
**Member Secretary**

No. GPCB/PWM/PWP/VRD-17/

**To,**

**M/s. Asha Recyclean India Pvt. Ltd,**  
Plot No. 736, GIDC Industrial Area Waghodia,  
Village. Waghodia, Tal. Waghodia,  
Dist. Vadodara

Outward No: 751940, 28/08/2023



# GUJARAT POLLUTION CONTROL BOARD

Annexure-B

PARYAVARAN BHAVAN, SECTOR 10-A,  
GANDHINAGAR - 382010,  
(T) 079-23232152

GPCB/PWM-PWP-VRD-17/755373

9 OCT 2023

To,

**Ms. Divya Sinha**

**Scientist "E"**

**Additional Director & In-charge,**

Central Pollution Control Board,

"Parivesh Bhavan"

East Arjun Nagar,

New Delhi-110032

**Subject:** Submission of the unit M/s. Asha Recycle India Pvt. Ltd. about the technical glitches.

**Respected Madam,**

Gujarat Pollution Control Board had issued Notice of Intention under section 5 of EPA-1986 was issued to the unit on 28-08-2023 for the violation observed during inspection of the unit. (Order is attached herewith).

In reply to the Notice of Intention issued to the unit, unit has submitted a letter as per following (as attached):

- CPCB EPR Web portal is having lots of technical glitches so multiple entries are overlapping and automatically error occurs.
- Chartered Engineer Certificate provided by the unit.
- The difference arising out of dash board, inward register, outward register etc. is of natural process on account of the glitches on the portal.
- Recycling capacity of the unit is as per the Chartered Engineer Certificate given only.

In view of above, as unit has submitted that the multiple entries and difference raised out because of the technical glitches of the portal, you are requested for guidance for the necessary suitable action against the unit.

This letter is issued with the permission from the competent authority.

Thanking You,

**For and on behalf of  
Gujarat Pollution Control Board**

*(S.V. Bhargava)*  
**(S.V. Bhargava)**

**Environment Engineer  
Unit Head- Plastic Waste Cell**

**Encl: As above**

**Clean Gujarat Green Gujarat**

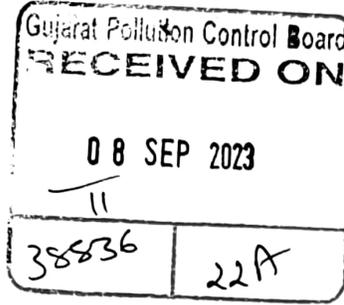
Website : <https://gpcb.gujarat.gov.in>

*OC*  
*9/10/23*

ARIPL/KJ/210/2023

September 6, 2023

M/s Gujrat Pollution Control Board  
Paryavaran Bhavan, Sector 10-A  
Gandhinagar 382010  
Gujrat



18  
12/9/23

Kind Attn: Mr D M Thaker Saheb, Member Secretary

Sub: Reply to Notice of Intention dated 28<sup>th</sup> August 2023 – ref number  
GPCB/PWM/PWP/VRD-17/ID-83572/751940

Respected Sir

We have in hand a notice signed by you on 28<sup>th</sup> August, 2023 concerning the subject matter and, in this regard, kindly note the following:

1. At the outset, we would like to point out that the numbers and other details which have been indicated in the notice under reference are not conforming to the actual data.
2. As a matter of fact, our Plant was commenced operation as far back as in November 2020 and are glad to inform you that we have never been kept in abeyance nor any adverse remarks received from any competent authorities hitherto.
3. As you are aware, the portal, at the moment which we work on, is having lot of technical glitches so as to say there would be multiple entries thereby overlapping the process for no fault of ours – In other words – automatically the errors occur and thereafter there is no device where we can edit/delete and or any modification be carried out.
4. The documents/certificates pertaining to the machines which we submit are endorsed by a qualified Chartered Engineer after thoroughly verifying the same.
5. Initially, when we set up the plant, it was running only one shift and now is operating in three shifts and accordingly we have obtained the amended consent, copy of which is too attached hereto.

**ASHA RECYCLEAN INDIA PRIVATE LIMITED**

Address: Plot No 736, Survey No 1595/P, GIDC Industrial Area,  
Waghodia, Vadodara, Gujarat, 391760-India. CIN: U37200MH2020PTC348954

www.asharecycleclean.com info@asharecycleclean.com

28/8/23  
11/9

1219

6. The difference arising out of dash board, inward register, outward register, etc., is of natural process on account of the glitches on the portal and you will appreciate we do have no leverage on the same nor can we control it.
7. We are a Private Limited Company incorporated under Companies Act, 2013 and would always heed to the norms as laid down by the powers that be and therefore, in our fraction of imagination circumventing the rules and regulations as laid down by the competent authorities does not arise.

In the light of the above, we assure you that we would be abide by any norms based on the Plastic Waste Management and in case you would like to have a personal meeting with our top management, we would be at your convenience.

We, therefore, request you to please withdraw the notice in question on the basis of the above contents as we are a responsible manufacturer and recycler company due to which our hands are full – in other words – we are time constrained and there are many plans on the anvil to be implemented in the near future.

We, now, look forward to receiving your positive response in the matter.

Thanking you in anticipation and oblige,

Yours faithfully,

For Asha Recyclean India Pvt Ltd



(Authorized Signatory)

Encl: All Relevant Documents.

**ASHA RECYCLEAN INDIA PRIVATE LIMITED**

Address: Plot No 736, Survey No 1595/P, GIDC Industrial Area,  
Waghodia, Vadodara, Gujarat, 391760-India. CIN: U37200MH2020PTC348954  
● www.asharecyclean.com ● info@asharecyclean.com

# CHETAN BRAHMANIA

B.E.(MECH) F.I.V., M.I.E., C.Eng.

(M) 9429415410, 9924023502

Chartered Engineer

Govt. Regd. Valuer

Regd. No.350/42/13 of Cat VII

Regd office : Plot 965/1, Sector 2C, Gandhinagar-382 002.

Ref. No.: CE/IC/2023/0648

Date: 26/04/2023

## CERTIFICATE BY CHARTERED ENGINEER

### TO WHOM SO EVER IT MAY CONCERN

#### Certificate for Installed Capacity

We have reviewed the machinery installed at the factory of M/s. Asha Recyclean India Pvt. Ltd., unit located at Plot no. 630, GIDC Industrial area Waghodia, Tal - Waghodia, Dist - Vadodara - 391760, Gujarat for verification of Installed capacity.

The company is involved in recycling of plastic waste to manufacture Plastic Granules.

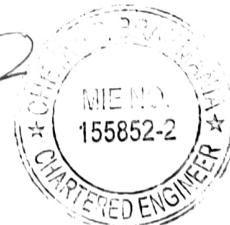
By reviewing your records, we certify plant Installed capacity as mentioned below.

	Name of Company :	M/s. Asha Recyclean India Pvt. Ltd.
	Company address :	Plot no. 630, GIDC Industrial area Waghodia, Tal - Waghodia, Dist - Vadodara - 391760, Gujarat
Sr. No.	Product Name	Installed Capacity
1	Plastic Granules	7.10 MT/Hr 114 MT/Day @16 hours/day 2970 MT/Month @ 26 days/month 35,640 MT/Annum

The list of machinery is as stated below :

Sr. No.	Name of Machinery	Quantity
1	Plastic Extruder Machine	01 no.
2.	Washing line	01 no.
3	Grinder	01 no.
4	Agglomeration machine	01 no.

Above certificate is issued in best engineering practice and without prejudice to anybody.



Date 26-04-2023

Place Vadodara

(Chetan Brahmnia)

Chartered Engineer

Registration Number : M - 155852 2

The Institution of Engineers (India)



F.No. CP-20/80/2021-UPC-II-HO-CPCB-HO Part(1)

26.10.2023

To,

**The Chairman**  
**Gujarat Pollution Control Board**  
 Paryavan Bhavan, Sector 10- A  
 Gandhinagar – 382 010

**Sub: Directions under Section 5 of the EPA, 1986 regarding compliance of various provisions under Schedule – II of Plastic Waste Management Rules, 2016, i.e., Guidelines on Extended Producer Responsibility (EPR)**

**WHEREAS**, the Ministry of Environment, Forest & Climate Change (MoEF&CC) has notified Plastic Waste Management Rules, 2016, in exercise of the powers conferred under sections 3, 6 & 25 of the Environment (Protection) Act, 1986 vide Notification No. G.S.R 320 (E) dated March 18, 2016; and

**WHEREAS**, Plastic Waste Management Rules, 2016 was amended and notified by Ministry of Environment, Forest & Climate Change (MoEF&CC) on 16 February, 2022 to insert Schedule – II, i.e., Guidelines on Extended Producer Responsibility for Plastic Packaging (hereinafter referred as “EPR Guidelines”); and

**WHEREAS**, as per Section 6.1(a) of the EPR Guidelines, “*The following entities shall register on the centralized portal developed by Central Pollution Control Board namely: - (i) Producer (P); (ii) Importer (I); (iii) Brand owner (BO), (iv) Plastic Waste Processor engaged in (a) recycling, (b) waste to energy, (c) waste to oil, and (iv) industrial composting; and*

**WHEREAS**, as per Section 11.1 of the EPR Guidelines, “*All plastic waste processors shall have to register with concerned State Pollution Control Board or Pollution Control Committee in accordance with provisions of 13(3) of Plastic Waste Management Rules, 2016 on the centralized portal developed by Central Pollution Control Board. Central Pollution Control Board shall lay down uniform procedure for registration within three months of the publication of these guidelines” and*

**WHEREAS**, CPCB developed the Standard Operating Procedure (SOP) for registration of PWP on March 15, 2023 and uploaded the same on CPCB website in accordance with EPR guidelines; and

**WHEREAS**, as per Section 11.2 of EPR Guidelines, “*The Plastic waste processors shall submit annual returns after end of every financial year by 30th April of the next financial year on the quantity of plastic waste processed category-wise as per prescribed pro forma on the centralized portal developed by Central Pollution Control Board; and*

**WHEREAS**, as per Section 11.5 of the EPR Guidelines, “*Only plastic waste processors registered under Plastic Waste Management Rules, 2016, as amended, shall provide certificates for plastic waste processing, except in case of use of plastic waste in road construction. In case where plastic waste is used in road construction the Producers,*

**‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032**

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

*Importers & Brand-Owners shall provide a self-declaration certificate in pro forma developed by Central Pollution Control Board. The certificate provided by only registered plastic waste processors shall be considered for fulfilment of Extended Producer Responsibility obligations by Producers, Importers & Brand-Owners; and*

**WHEREAS**, as per Section 11.7 of the EPR Guidelines, "*The certificate for plastic packaging waste provided by registered plastic waste processors shall be in the name of registered Producers, Importers & Brand-Owners or Local authorities, as applicable, based upon agreed modalities. Central Pollution Control Board will develop mechanism for issuance of such certificate on the centralized portal*"; and

**WHEREAS**, as per the EPR Guidelines, CPCB has developed the Centralized portal for registration of Producers, Importers and Brand-owners (PIBOs) & Plastic Waste Processors (PWPs) that has been formally launched on April 05, 2022; and

**WHEREAS**, CPCB has developed the mechanism for Generation & Transfer of EPR Certificates by PWPs (as given in the Guidance Manual developed by CPCB) on the EPR Portal and the corresponding online module of the EPR Portal was launched on November 19, 2022; and

**WHEREAS**, Registration of PWPs by SPCBs/PCCs is on the basis of information provided online by PWPs on the EPR Portal which includes details of plant and machinery (processing capacity, production capacity, power rating, etc.), geotagged photograph of the plant & machinery, raw material, production and sales section of the Units, short video of the Unit etc.; and

**WHEREAS**, as per clause 4(iv) of SOP "*Physical Audit of the PWP to be completed by SPCB/PCC within 30 days of grant of Registration. The PWP shall be able to issue certificates to PIBOs post conduction of Audit and validation of its facilities by the SPCB/PCC*"; and

**WHEREAS**, in accordance with aforesaid clause of SOP, upon grant of registration to PWP, SPCB/PCC are required to physically verify details of plant and machinery (processing capacity, production capacity, power rating etc.), geotagged photograph of the plant & machinery, raw material, production and sales section of the Units, short video of the Unit etc. as per the checklist provided on EPR portal for the purpose; and

**WHEREAS**, CPCB has developed the Guidance manual for operating Centralized EPR Portal which includes details of procedure for Registration of PIBOs/PWPs, Generation & Transfer of EPR certificates etc., which was made available on EPR portal. Several training sessions/meetings were also conducted with SPCBs/PCCs/Industrial Associations/PWPs and other stakeholders in which inspection requirements/procedures for grant of approval of physical verification of PWPs to be followed by SPCBs/PCCs were covered. SPCBs/PCCs were required to upload approval status of Physical verification of PWPs on the EPR portal following these procedures; and

**WHEREAS**, CPCB vide directions dated 10.03.2023 and 04.07.2023 reiterated that all SPCBs/PCCs to complete physical verification of all registered PWPs in their jurisdiction within the stipulated time frame to enable the PWPs to generate EPR certificates within the timelines stipulated in EPR guidelines; and

**WHEREAS**, CPCB vide directions dated 21.12.2022 had directed all PWP's to upload GST E-invoice of all transactions (sales/ purchase) related to processing of plastic packaging & plastic waste on the EPR Portal; and

**WHEREAS**, viewing rights of the PWP dashboard have been provided to the officials of SPCBs/PCCs to monitor the PWP operations including procurement, production, sale and Certificate generation & transfer by PWP Units registered in their jurisdiction and the same was communicated during the training sessions for SPCBs/PCCs conducted by CPCB for the purpose; and

**WHEREAS**, Section 12.4 of the EPR Guidelines provides that "*Central Pollution Control Board by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate. Central Pollution Control Board, as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit. In case of plastic waste processors and Producers, Importers & Brand-Owners operating in a State or Union Territory, Central Pollution Control Board may, if required, direct State Pollution Control Board or Pollution Control Committee to take action*"; and

**WHEREAS**, random sample audit of M/s. Asha Recyclean India Private Ltd., Vadodara (plastic waste recycler) was conducted by CPCB on September 01, 2023 in accordance with Clause 12.4 of the EPR Guidelines; and

**WHEREAS**, M/s Asha Recyclean India Private Ltd was registered with Gujarat SPCB on 23.09.2023 followed by physical verification of the Unit and uploading approval thereto by GPCB on 27.06.2023 on the EPR portal; and

**WHEREAS** the following observations were made by the CPCB officials during aforesaid audit:

- a. The plastic waste processing capacity of the Unit is 12000 Tonnes per Annum (TPA), as registered by Gujarat Pollution Control Board (GPCB) and CTO/CTE issued. The plant processing capacity as per the plant machinery and process flow diagram given in the application form is 500 TPA. The audit team found plant machinery corresponding to 500 TPA installed and commissioned in the Unit. Further the audit team found processing capacity of plant machinery to be 518 TPA (considering the plant is operated for 24 hrs for 300 days) instead of 12000TPA as per the trial run conducted by the Unit during which the plant was run at full capacity. The plant machinery corresponding to the balance registered capacity of 11418TPA was neither declared on the EPR portal nor found to be installed and commissioned in the Unit by the Audit team.
- b. The Unit has generated EPR Certificates of the order of 12000 Tonnes and transferred EPR Certificates of 11400 value to Producers/Importers/Brand Owners (PIBOs). Quantities mentioned in the invoices uploaded on EPR Portal by the Unit are fallacious & very high as compared to the declared production capacity since the plant operations had not yet commenced. As per the information on the EPR Portal, invoices were verified and it has been observed that all verified invoices have been generated for Services provided towards collection and recycling and not for the requisite actual sales of recycled plastic.
- c. No relevant information as stated below were made available to verify processing of 12000 Tonnes of plastic waste and sale of corresponding quantity of finished product, by the Unit to the audit team:

- i. Procurement of Plastic waste (Procurement invoices, Supplier details, etc.)
  - ii. Electricity consumption (Electricity bill)
  - iii. Procurement of additives required for processing plastic waste
  - iv. Sale of recycled plastic (GST Statement, Sales invoices, etc.)
- d. Only 8 workers were available in the Unit as against 30 reported in the application form. It was further observed that as per the records in voucher outward register maintained by the Security personnel, only 310.78 T of the product has been dispatched to various parties during the period January- August 2023.

In view of the above, it is observed that EPR Certificates of the value of 11,482 tonnes have been generated by the Unit in excess of its actual processing capacity and the Unit neither has processing capacity for the said quantity nor relevant prescribed supporting documents/information. The Unit has obtained registration and generated the said EPR certificates of 11,482 Tonnes without any actual processing of plastic waste at the Unit and by submitting false documents/information, which is in gross violation of provisions of EPR Guidelines as notified under Schedule II of the PWM Rules by MoEFCC, CPCB's Guidance manual for operating Centralized EPR Portal and other directions/communications issued by CPCB from time to time in this regards. The process of generation of EPR Certificates by the Unit was also not monitored by GPCB, despite being the enforcing agency notified under the PWM Rules and having provision of viewing the PWP dashboard on the EPR portal.

**WHEREAS**, as per Section 11.4 of the EPR Guidelines "*In case, at any stage it is found that the information provided by the plastic waste processor is false, the plastic waste processor shall be debarred by State Pollution Control Board, as per procedure laid down by Central Pollution Control Board, from operating under the Extended Producer Responsibility framework for a period of one year*"; and

**WHEREAS**, as per Section 11.6 of the EPR Guidelines "*The pro forma for the certificate shall be developed by Central Pollution Control Board. In no case, the amount of plastic packaging waste recycled by the enterprise shall be more than installed capacity of the enterprise. The certificates will be for plastic packaging category-wise and shall include GST data of the enterprise*"; and

**WHEREAS**, as per Section 13.1 of the EPR Guidelines "*The concerned State Pollution Control Board or Pollution Control Committee shall register Producers, Importers & Brand-Owners (operating in one or two states) and plastic waste processors, through the online portal developed by Central Pollution Control Board. Provision for registration shall be made on the Extended Producer Responsibility portal. State Pollution Control Board or Pollution Control Committee by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate, of Producers, Importers & Brand-Owners as well as plastic waste processors in their jurisdiction as per the Plastic Waste Management Rule, 2016*"; and

**WHEREAS**, as per Rule 18 of PWM Rules "*The Environmental Compensation shall be levied based upon polluter pays principle, on persons who are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board*"; and

**WHEREAS**, as per the EC Regime framed by CPCB in 2022, Environmental Compensation is to be levied on PWP @ Rs. 5000/- per ton of plastic waste misreported for quantity of plastic procured and EPR certificate generated after following due legal procedure"; and

**NOW, THEREFORE**, in view of above and in exercise of the powers vested to Chairman, Central Pollution Control Board (CPCB) vide Notification No. S.O.730 (E) dated July 10, 2002 notified as per provisions of Section 5 of the Environment (Protection) Act, 1986, following directions are issued for compliance:

1. To conduct detailed enquiry as to how physical verification of the Unit M/s. Asha Recyclean Ltd was approved by GSPCB on the EPR portal, in view of the gross violations observed by the Audit team, as above, and also as to why the process of generation of EPR Certificates was not monitored by GSPCB.
2. To fix the liability on erring official/s and take disciplinary action against erring officials, if any, as per the findings of the enquiry set up, as at (1) above
3. To immediately take the following actions against the afore-mentioned PWP Unit Namely M/s. Asha Recyclean India Private Ltd (Reg. No.: PR-23-GUJ-09-AAUCA2923P-22)
  - i. To suspend the consent/authorization/registration issued to the Unit with immediate effect and issue show cause notice for debarring the Unit from operating under the Extended Producer Responsibility framework for a period of one year as per Clause 11.4 of the EPR Guidelines or/ and for the revocation of the consent/authorization/registration issued to the Unit;
  - ii. To levy Environmental Compensation (EC), corresponding to the quantum of EPR certificates generated not in conformity with requirement prescribed in CPCB Guidance manual for operating Centralized EPR Portal. The EC is to be levied as per "Guidelines for Assessment of Environmental Compensation to be levied for violation of PWP Rules" ([https://cpcb.nic.in/uploads/plasticwaste/EC\\_Regime\\_PWM.pdf](https://cpcb.nic.in/uploads/plasticwaste/EC_Regime_PWM.pdf)) and Unit be directed to deposit the same in the designated Escrow Account, created by the GPCB for the purpose.
  - iii. To take necessary action against every Unit as per applicable law as the Units have submitted false documents for obtaining registration as well as for generating EPR certificates. It may further be ensured that action taken by GPCB regarding these units should act as a deterrent for other Units in committing such violations.
4. To take immediate necessary actions to improve upon the system of grant of registration within GPCB, monitoring and enforcement thereto ensuring compliance of the Plastic Waste Management Rules, EPR guidelines and directions/guidelines issued by CPCB, including the following:
  - i. Inspection of all processing facilities of Registered PWPs in your jurisdiction within a fortnight from the issue of these Directions and to confirm that the Processing capacity as per the Registration granted to units is in conformity with the actual facilities provided in each Unit. All other information provided in the online application form are also to be revalidated by GPCB.

# 2300

- ii. Regular monitoring of EPR Certificate generation process of the Registered PWPs to ensure that EPR Certificates generated by PWPs are in accordance with requirements prescribed in the CPCB guidance manual including uploading of GST E-invoice corresponding to the sales of finished products on the EPR Portal.
5. To take all necessary steps to ensure that every Unit henceforth complies with all conditions including generating GST E-invoice for all sales of finished products and uploads the same on the EPR Portal, failing which necessary action be immediately taken including levying of EC against each non-complying Unit.

You are, hereby, directed to take necessary action immediately for ensuring compliance of the aforesaid directions and submit action taken report to this office within 10 days from the date of issuance of this direction.

M.K.C.  
26/11/23  
(Tanmay Kumar)  
Chairman

# GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,  
GANDHINAGAR - 382010,

(T) 079-23232152

By R.P.A.D



**CLOSURE DIRECTION UNDER SECTION (5) OF ENVIRONMENT (PROTECTION) ACT 1986 FOR THE VIOLATIONS OF PLASTIC WASTE MANAGEMENT RULES, 2016 AS AMENDED FROM TIME TO TIME.**

**WHEREAS** you M/s. Asha Recyclean India Pvt. Ltd, are having an industrial plant at Plot No. 736, GIDC Industrial Area Waghodia, Village. Waghodia, Tal. Waghodia, Dist. Vadodara for recycling of plastic waste.

**WHEREAS** in exercise of power conferred under Section-25 of the Water (Prevention and Control of Pollution) Act-1974, the Board has granted Consent to operate issued vide order WH-61446 to operate industrial unit under provisions of aforesaid Acts/Rules with conditions stipulated therein.

**WHEREAS**, the Ministry of Environment, Forest & Climate Change (MoEF&CC) has notified Plastic Waste Management Rules, 2016, in exercise of the powers conferred under sections 3, 6 & 25 of the Environment (Protection) Act, 1986 vide Notification No. G.S.R 320 (E) dated March 18, 2016; and

**WHEREAS**, Plastic Waste Management Rules, 2016 was amended and notified by Ministry of Environment, Forest & Climate Change (MoEF&CC) on 16 February, 2022 to insert Schedule II, i.e., Guidelines on Extended Producer Responsibility for Plastic Packaging (hereinafter referred as "EPR Guidelines"); and

**WHEREAS**, Section 12.4 of the EPR Guidelines provides that "Central Pollution Control Board by itself or through a designated agency shall verify compliance of Producers, Importers & Brand-Owners through inspection and periodic audit, as deemed appropriate. Central Pollution Control Board, as required, can also verify compliance of Plastic Waste Processors through inspection and periodic audit. In case of plastic waste processors and Producers, Importers & Brand-Owners operating in a State or Union Territory, Central Pollution Control Board may, if required, direct State Pollution Control Board or Pollution Control Committee to take action"; and

**WHEREAS**, random sample audit of M/s. Asha Recyclean India Private Ltd., Vadodara (plastic waste recycler) was conducted by CPCB on September 01, 2023 in accordance with Clause 12.4 of the EPR Guidelines; and

**WHEREAS the following observations were made by the CPCB officials during audit dated 01-09-2023;**

- The plastic waste processing capacity of the Unit is 12000 Tonnes per Annum (TPA), as registered by Gujarat Pollution Control Board (GPCB) and CTO/CTE issued. The plant processing capacity as per the plant machinery and process flow diagram given in the application form is 500 TPA. The audit team found plant machinery corresponding to 500 TPA installed and commissioned in the Unit. Further the audit team found processing capacity of plant machinery to be 518 TPA (considering the plant is operated for 24 hrs for 300 days) instead of 12000TPA as per the trial run conducted by the Unit during which-the plant was run at full capacity. The plant machinery corresponding to the balance registered capacity of 11418TPA was neither declared on the EPR portal nor found to be installed and commissioned in the Unit by the Audit team.

- b. The Unit has generated EPR Certificates of the order of 12000 Tonnes and transferred EPR Certificates of 11400 value to Producers/Importers/Brand Owners (PIBOS). Quantities mentioned in the invoices uploaded on EPR Portal by the Unit are fallacious & very high as compared to the declared production capacity since the plant operations had not yet commenced. As per the information on the EPR Portal, invoices were verified and it has been observed that all verified invoices have been generated for Services provided towards collection and recycling and not for the requisite actual sales of recycled plastic.
- c. No relevant information as stated below were made available to verify processing of 12000 Tonnes of plastic waste and sale of corresponding quantity of finished product, by the Unit to the audit team:
- I. Procurement of Plastic waste (Procurement invoices, Supplier details, etc.)
  - II. Electricity consumption (Electricity bill)
  - III. Procurement of additives required for processing plastic waste
  - IV. Sale of recycled plastic (GST Statement, Sales invoices, etc.)
- d. Only 8 workers were available in the Unit as against 30 reported in the application form. It was further observed that as per the records in voucher outward register maintained by the Security personnel, only 310.78 T of the product has been dispatched to various parties during the period January- August 2023.

**In view of the above**, it is observed that EPR Certificates of the value of 11,482 tonnes have been generated by the Unit in excess of its actual processing capacity and the Unit neither has processing capacity for the said quantity nor relevant prescribed supporting documents/information. The Unit has obtained registration and generated the said EPR certificates of 11,482 Tonnes without any actual processing of plastic waste at the Unit and by submitting false documents/information, which is in gross violation of provisions of EPR Guidelines as notified under Schedule II of the PWM Rules by MoEFCC, CPCB's Guidance manual for operating Centralized EPR Portal and other directions/communications issued by CPCB from time to time in this regard.

**AND WHEREAS**, GPCB has already issued the Notice of intention under section 5 of EPA-1986 to the M/s. Asha Recyclean India Pvt. Ltd. on 28-08-2023.

**AND WHEREAS**, reply received from the unit on 12-09-2023 for which unit has claimed technical glitches of the EPR portal developed by CPCB for multiple and duplicate entries.

**AND WHEREAS**, CPCB has issued directions under section 5 of EPA to immediately take actions against PWP unit namely M/s. Asha Recyclean India Pvt. Ltd, Plot No. 736, GIDC Industrial Area Waghodia, Village. Waghodia, Tal. Waghodia, Dist. Vadodara. *(Copy enclosed)*

**Under the circumstances, I, D. M. Thaker, Member Secretary of the Gujarat Pollution Control Board** in exercise of powers conferred on file no. Legal-C-28 under Section [5] of the Environment (Protection) Act 1986, issue the direction as below for non-compliance of Plastic Waste Management Rules, 2015 and amended: -

- I. To stop the production and operation of your industrial plant on the above mentioned site with immediate effect from the date of issue of this order.
- II. To direct concerned authority to stop supply of electricity & water with immediate effect.
- III. Immediately stop your plant if runs on captive power plant (CPPJ) or D.G set.
- IV. To pay Environment Damage Compensation of as you have generated and transfer the EPR Certificates of the value 11,482 tonnes in excess of its actual processing capacity as per the Environment Compensation regime framed by CPCB in 2022 i.e., 11,482 Tonnes X Rs. 5000/Ton = Rs. 5,74,10,000/- in following account:



# GUJARAT POLLUTION CONTROL BOARD

PARYAVARAN BHAVAN, SECTOR 10-A,  
GANDHINAGAR - 382010,  
(T) 079-23232152

A	Name of Payee	GUJARAT POLLUTION CONTROL BOARD
B	Bank Account Number	10325062238
C	Type of Account	CURRENT
D	Bank	STATE BANK OF INDIA
E	Branch	GANDHINAGAR ZONAL BRANCH
F	Branch Address	SECTOR-10/B, IN FRONT OF NEW SACHIVALAYA, GANDHINAGAR - 382010
G	IFSC Code	SBIN0001355

The Order is issued after obtaining permission from competent authority.

*-sd-*  
(D.M. Thaker)  
Member Secretary

No. GPCB/PWM/PWP/VRD-17/7588-96 Date: 16/11/2023

To,

M/s. Asha Recyclean India Pvt. Ltd,  
Plot No. 736, GIDC Industrial Area Waghodia,  
Village. Waghodia, Tal. Waghodia,  
Dist. Vadodara

Copy to,

1. The Chairman and Managing Director, Madhya Gujarat Vij Company Ltd, Sardar Patel Bhavan, Race course, Vadodara.....I am directed to request you to disconnect industrial supply of electricity (except single phase) of M/s. Asha Recyclean India Pvt. Ltd, Plot No. 736, GIDC Industrial Area Waghodia, Village. Waghodia, Tal. Waghodia, Dist. Vadodara with immediate effect from date of issue of this order & intimate to us accordingly in written.
2. The Deputy Engineer, Sub Division Office, Madhya Gujarat Vij Company Ltd, Circle office, Vadodara .....I am directed to request you to disconnect industrial supply of electricity (except single phase) of M/s. Asha Recyclean India Pvt. Ltd, Plot No. 736, GIDC Industrial Area Waghodia, Village. Waghodia, Tal. Waghodia, Dist. Vadodara with immediate effect from date of issue of this order & intimate to us accordingly in written.
3. Regional officer, Vadodara.....For verification of above directions issued and compliance for the same.

*D.M. Thaker*  
16/11/2023  
(D.M. Thaker)  
Member Secretary

*of Gujarat*

Clean Gujarat Green Gujarat

Website : <https://gpcb.gujarat.gov.in>

**2304**

Annexure- E

**GUJARAT POLLUTION CONTROL BOARD**

(Regional Office, Vadodara)

G.E.R.I. Compound, Race Course Road, VADODARA-390 007. PHONE: (0265)-2354850  
Website : [www.gpcb.gov.in](http://www.gpcb.gov.in) and for online application : <http://gpcbxgn.gujarat.gov.in>

**Withdraw of Consent**

**WHEREAS** you are operating your unit at Plot No: 736, GIDC, Waghodia, ta: Waghodia, Dist: Vadodara.

**AND WHEREAS** Board has issued consent-CCA WH-61446, date of issue:27/02/2023 bearing NO. GPCB/RO-VAD/TECH/ID-83572/20521/2023 dated 22/03/2023 valid up to 31/12/2026 to your unit for manufacturing of All types of Plastic Granules – 2970 MT/month.

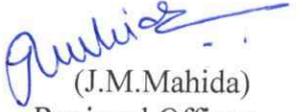
**AND WHEREAS** MoEF&CC has published Plastic Waste Management (Amendment) Plastic Waste Management on 12th August 2021 and as per the amendment rules- Carry bags thickness is amended 120 microns with effect from the 31st December 2022 in rule-4 (a) sub rule-(ii) of the Plastic Waste Management Rules-2016 with effect from 1<sup>st</sup> July, 2022.

**AND WHEREAS** notice for withdraw of above referred consent is issued vide this office letter NO. GPCB/PWM/PWP/VRD-17/751940 Dated 28/08/2023.

**AND WHEREAS** Board is empowered for the refusal of any consent referred to in Sub-section (1) of section 25 or section 26 of the water Act, 1974 or the grant of such consent without any condition and may make such orders as it deemed fit under the provision of clause (b) and Sub-section (2) of section 27 of the water Act. 1974.

Now, therefore, in view of above, Board has decided to revoke the consent -CCA WH-61446, date of issue:27/02/2023 bearing NO. GPCB/RO-VAD/TECH/ID-83572/20521/2023 dated 22/03/2023 valid up to 31/12/2026 for manufacturing of All types of Plastic Granules-2970 MT/Month with effect from 18/11/2023.

For & On behalf of  
Gujarat pollution Control Board

  
(J.M. Mahida)  
Regional Officer

No. GPCB/RO-VAD/TECH/ID-83572/

Date: 18/11/2023

To,

**ASHA RECYCLEAN INDIA PVT LTD**  
**Plot No:736, GIDC Industrial Area,**  
**Waghodia, Ta: Waghodia,**  
**Dist: Vadodara**

Outward No: 21181, 18/11/2023