

Joint Committee Report in the matter of OA no. 190/2022 (Ram Prakash Gupta Vs State of Uttar Pradesh) as per the direction passed by Hon'ble National Green Tribunal on Dated 20.04.2022.

In the aforesaid matter, complaint done by Mr. Ram Prakash Gupta, resident of 3/18 Gandhi Nagar, Agra vide letter dated 22.01.2022 to Hon'ble National Green Tribunal against M/s Raj Thermoformers Pvt. Ltd., Katra Wazir Khan (Subhash Dal Mill Compound) Foundry Nagar, Agra and M/s Prism Manufacturers, B-1615, Foundry Nagar, Agra regarding illegally manufacturing plastic and thermocol plates, cups, glasses etc., for sale in violation of environmental norms.

Hon'ble National Green Tribunal heard the matter on dated 20.04.2022 and pleased to pass order in the O.A no.190/2022 Ram Prakash Gupta Vs State of Uttar Pradesh. The operating para of the order is quoted as below:

"In view of the allegations of violation of environmental norms made in the application, we consider it appropriate to constitute and direct the Joint Committee of representatives of State PCB and Taz Trapezium Authority and District Magistrate, Agra to look into the grievances of the applicant and take such remedial action as may be required after following due process of law. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visit, look into the grievances of the applicant and take requisite action and thereafter furnish factual and action taken report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions."

As per the Hon'ble National Green Tribunal order dated 20.04.2022, Joint Committee was formed having member of Taj Trapezium Zone Authority, District Administration and State PCB as a Nodal Agency for coordination and compliance.

1. Additional City Magistrate (II) has been nominated by District Magistrate; Agra vide order dated 07.05.2022.
2. Superintendent Engineer, Agra Development Authority has been nominated on behalf of TTZ Authority vide order dated 07.05.2022. **(Annexure-1)**
3. Regional Officer, U.P Pollution Control Board, Agra

The Joint Committee visited the said industries on dated 31.05.2022. At the time of Inspection, no industry found operational by the name of M/s Raj Thermoformers Pvt. Ltd., Katra Wazir khan (Subhash Dal Mill Compound) Foundry Nagar, Agra and M/s Prism Manufacturers, B-16/5, Foundry Nagar, Agra, as mentioned in the grievance made by Shri Ram Prakash Gupta on dated 22.01.2022.

At the time of inspection M/s Raj industry was found operational in place of M/s Raj Thermoformers Pvt. Ltd. at Katra Wazir khan & M/s Hibha industry found operational in place of M/s Prism Thermoformers, B-16/5, Foundry Nagar, Agra.

Mr. Piyush Kumar was present as a representative on behalf of M/s Raj industry, Katra Wazir khan (Subhash Dal Mill Compound) Foundry Nagar, Agra and Mr. Sandeep Gupta was present as a representative on behalf of M/s Hibha industry, B-16/5, Foundry Nagar, Agra.

Mr. Piyush Kumar informed that M/s Raj Thermoformers Pvt. Ltd. was earlier operated on same address which has been closed on dated 09.02.2017, Mr. Sandeep Gupta informed that M/s Prism Thermoformers was earlier operated on same address which has been closed on dated 31.12.2020. **(Annexure-2)** At the time of inspection production of plastic and thermocol plates, cups, glasses etc., were not found in both the units as mentioned by the complainant.

Presently both the units were involved in manufacturing of plastic boxes which are used for packing of sweets and other food items. During inspection the weight of the boxes was measured and found between 20 to 40 grams and thickness between 220 to 350 micron. **(Annexure-3)**

PVC goods moulding through electrical extrusion process is categorized in white category at serial no- 78 as per the classification of industrial sector introduced by UP Pollution Control Board vide ref. no.-G29267/C-4/साग-62/2019 dated 09-01-2019, which are exempted from the consent management system as per Central Pollution Control Board letter no. B-29012/ESS(CPA)/2015-16 dated 07.03.2016 and U.P Pollution Control Board letter no. G29267/C-4/Sa-62/2019 dated 09.01.2019. **(Annexure-4)**

However, M/s Raj Industry, Katra Wazir Khan (Subhash Dal Mill Compound) Agra has obtained Consent to operate (air/water) from State Pollution Control Board till Dec-2023. M/s Hibha Industry, B-16/5 Foundry Nagar has obtained Consent to operate (air/water) till Dec-2025.

As per the Notification No.-1056/9-7-18-29(Lucknow)/18 dated 15th July, 2018 of Nagar Vikas Anubhag-7, Prohibit in areas falling in a Nagar Panchayat, Nagar Palika, Nagar Nigam or Industrial Township of the state constituted under Article 243Q, the use, manufacture, sale, distribution, storage, transport, import or export of cups, glasses, plates, spoons, tumblers etc. made up of plastic or thermocol disposable after one time use is prohibited with effect from August,15, 2018. **(Annexure-5)**

As per Notification G.S.R.571(E) of Ministry of Environment, Forest and Climate Change dated 12.08.2021 in the rule 4-

The manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022.

- (a) Ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration.
- (b) Plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers. **(Annexure-6)**

Manufacturing of plastic boxes used in the packing of sweets and other food items are not prohibited in the Notification No.-1056/9-7-18-29(Lucknow)/18 dated 15th July, 2018 of Nagar Vikas Anubhag-7, Govt. of U.P nor prohibited as per the Notification of the Ministry of Environment, Forest and Climate Change, Delhi dated 12.08.2021.

It is pertinent to mention that Civil Misc. Writ Petition No. 5263 of 2022 has been filed by M/s. Raj Industries Vs State of U.P in Hon'ble High Court of Judicature at Allahabad, the grievance raised by the petitioners, who is a manufacturer of certain plastic items in terms of the licence granted to him by the Ministry of Micro, Small and Medium Enterprises, is that in the grave of notification dated July 15, 2018 issued by the State Government, he is being harassed. As per the aforesaid notification, manufacturing of single use plastic items is banned.

Hon'ble High Court of Judicature at Allahabad has pleased to pass order in Writ-C No.-5263 of 2022 on dated 09.03.2022. The operating para of the order is quoted as below: - *“Though learned counsel for the respondents submitted that on inspection, it was found that the petitioner was violating the conditions of his license and hence, action was taken. In case there is no violation of the Notification dated July 15, 2018, the*

petitioner can continue manufacturing the items for which license has been granted to him strictly as per permission granted.

After hearing learned counsel for parties, the present petition is disposed of accordingly." (Annexure-7)

Above report is being submitted for your kind perusal and necessary action please.

MSH
20/6/22

Regional Officer(I/C)
U.P Pollution Control,
Agra

[Signature]
20/6/22

Superintendent Engineer,
Agra Development
Authority

[Signature]
20/6/2022

Additional City Magistrate (II)
Agra

टिप्पणी एवं आदेश

A-1

सदस्य -संयोजक, टी0टी0जेड0 प्राधिकरण/जिलाधिकारी महोदय

कृपया पत्रावली में दाहिनी ओर सम्मुख संलग्न मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 सं0-190/2022 (राम प्रकाश गुप्ता बनाम स्टेट आफ यू0पी0) में पारित आदेश दिनांक 20.04.2022 का अवलोकन करने का कष्ट करें।

उल्लेखनीय है कि प्रश्नगत प्रकरण जनपद-आगरा में (1) मै0 सर्व श्री राज थर्मा फारमर्स प्रा0लि0, कटर वजीर खों (सुभाष दाल मिल कम्पाउण्ड) फाउण्ड्री नगर, आगरा, (2) मै0 सर्व श्री प्रिसम मैन्युफैक्चरर्स, बी-1615, फाउण्ड्री नगर, आगरा नामक इकाईयों द्वारा प्लास्टिक एवं थर्माकोल के कप, गिलास, प्लेट आदि के उत्पादन से जनित प्रदूषण की रोकथाम के सम्बन्ध में है, जिसमें याचिकाकर्ता श्री राम प्रकाश गुप्ता के द्वारा मा0 अधिकरण में दिनांक 22.01.2022 को शिकायती पत्र प्रेषित किया गया था। जिसमें मा0 अधिकरण के द्वारा दिनांक 20.04.2022 को निम्नवत् आदेश पारित किया गया है:-

“.....2. In view of the allegations of violation of environmental norms made in the application, we consider it appropriate to constitute and direct the Joint Committee of representatives of State PCB and Taz Trapezium Authority and District Magistrate, Agra to look into the grievances of the applicant and take such remedial action as may be required after following due process of law. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet within 2 four weeks, undertake site visit, look into the grievances of the applicant and take requisite action and thereafter furnish factual and action taken report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions.”

अतः मा0 अधिकरण के उपरोक्त आदेशों का अनुपालन सुनिश्चित कराये जाने के दृष्टिगत टी0टी0जेड0 प्राधिकरण/जिला प्रशासन की ओर से किसी अधिकारी को नामित किया जाना आवश्यक है ताकि मा0 अधिकरण के उक्त आदेशानुपालन में दो माह के अन्दर आख्या मा0 अधिकरण को प्रस्तुत की जा सके।

अतः सहमति की दशा में टी0टी0जेड0 प्राधिकरण/जिला प्रशासन की ओर से किसी अधिकारी नामित करना चाहें।

(डॉ0 विश्वनाथ शर्मा)
क्षेत्रीय अधिकारी(प्र0)

SE नरकित
सदस्य-संयोजक,
टी0टी0जेड0 प्राधिकरण,
आगरा।

ACM-11 नाहित
जिलाधिकारी,
आगरा।

Page 1 of 1

16070010012121
17070010012121
10/9-11 Ksd Thermoformers
10/9-11 Ksd Thermoformers

फार्म - चार
वाणिज्य कर विभाग, उत्तर प्रदेश सरकार
[अप्रो मूल्य संवर्धित कर नियमावली, 2008 का नियम-16 देखें]
व्यापार बन्द करने की सूचना

5

सेवा में,
कर निर्धारण अधिकारी,
मण्डल / खण्ड - 5
AGHO

मसौदा,
सर्वज्ञी - **RAJ THERMOFORMERS**
स्थित है जो वाणिज्य कर खण्ड / मण्डल - 5 A-4(A)

जिसका मुख्य व्यापार स्थल 10/9-11 Ksd Thermoformers से
के क्षेत्राधिकार में आता है और उत्तर प्रदेश व्यापार कर अधिनियम, 1948 /
उत्तर प्रदेश मूल्य संवर्धित कर अध्यादेश, 2007 के अंतर्गत पंजीयन प्रमाण पत्र टिन 09100502670 धारक है।
मेरे द्वारा व्यापार दिनांक 09-02-2017 से बन्द कर दिया गया है।

अतः मैं अपना पंजीयन प्रमाण पत्र समर्पित करते हुए अनुरोध करता हूँ कि कि 09-02-2017 से मेरी पत्रावली बन्द करने का कष्ट करे।
संलग्नक - फार्म - ग्यारह मूल रूप में।

स्थान: Agro
तिथि: 9-2-17

भवतीय, **Ramkay Kumar**
हस्ताक्षर
नाम **Ramkay**
प्रास्थिति
मुहर

नोट: इस प्रार्यना पत्र पर अप्रो मूल्य संवर्धित कर नियमावली, 2008 के नियम-32(6) के अन्तर्गत अधिकृत व्यक्ति द्वारा ही हस्ताक्षर किया जाएगा।

Date: 25/02/2021

A-2

Reference Number: ZA090221359792E

To
 PRISM THERMOFORMERS
 B16/5, FOUNDRY NAGAR, FOUNDRY NAGAR, Agra, Uttar Pradesh, 282006
 GSTIN/ UIN :09AAKFP0665Q1ZH
 Application Reference No. (ARN): AA090121161501S

Dated: 28/01/2021

Order for Cancellation of Registration

The effective date of cancellation of your registration is 30/12/2020

Determination of amount payable pursuant to cancellation:

Accordingly, the amount payable by you and the computation and basis thereof is as follows:

The amounts determined as being payable above are without prejudice to any amount that may be found to be payable on submission of final return furnished by you.

You are required to pay the following amounts on or before , failing which the amount will be recovered in accordance with the provisions of the Act and rules made thereunder.

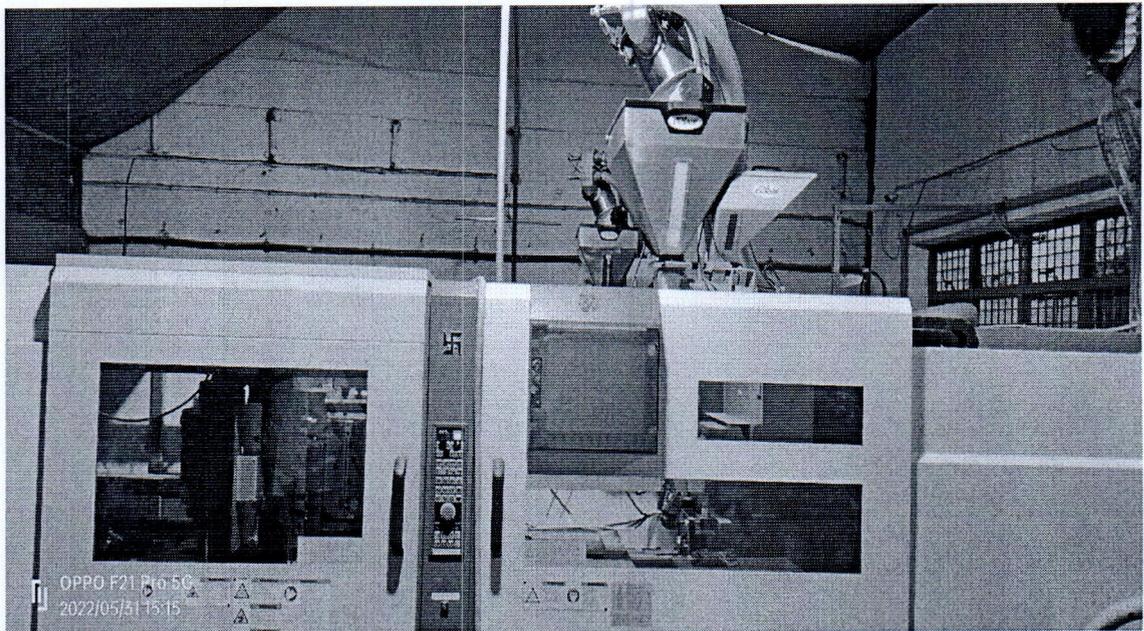
Head	Central Tax	State Tax/UT Tax	Integrated Tax	Cess
Tax	0	0	0	0
Interest	0	0	0	0
Penalty	0	0	0	0
Others	0	0	0	0

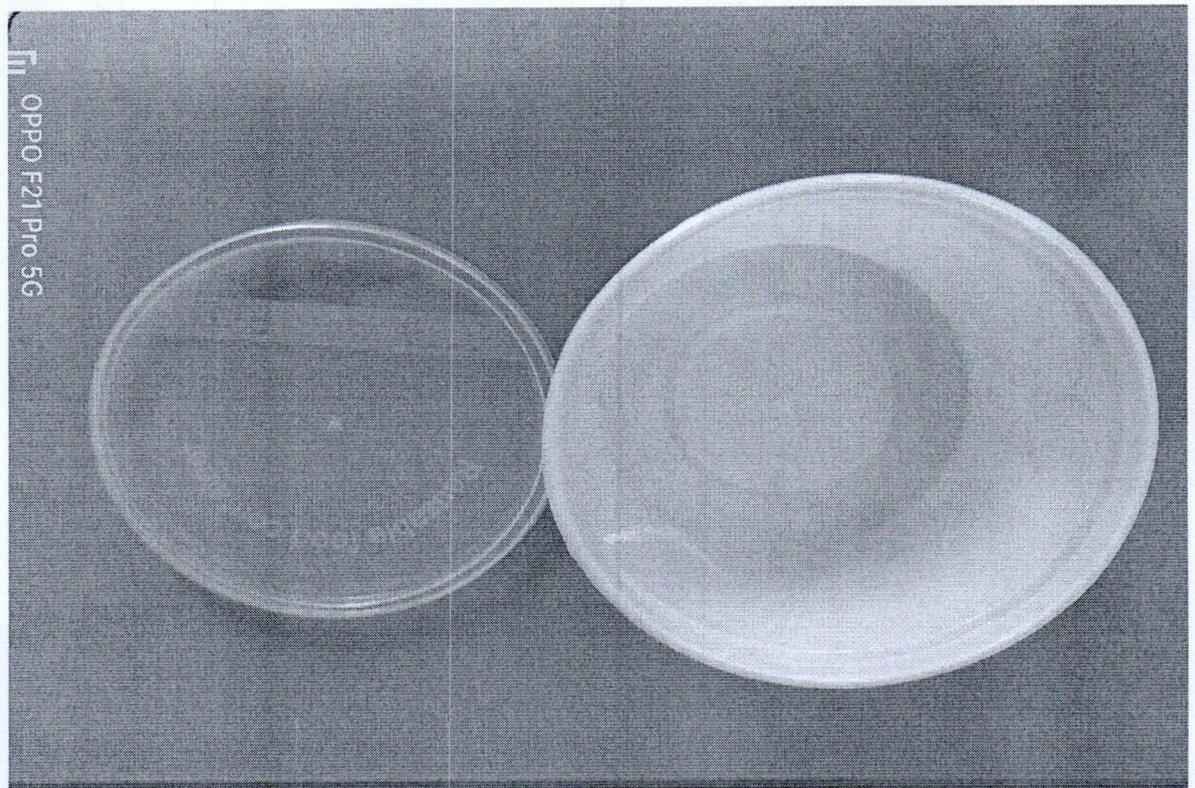
Date 25/02/2021

Place Uttar Pradesh

Signature
 Shailendra Kumar
 Assistant Commissioner
 Agra Sector-4

Photographs during inspection of M/s Raj Industry Pvt. Ltd. at Katra Wazir Khan, Agra & M/s Hibha Industry, 16/5 Foundry Nagar, Agra.





A-4

U.P. POLLUTION CONTROL BOARD,
TC-12V, VIBHUTI KHAND,
GOMTI NAGAR, LUCKNOW

Ref. No. 4 29267 / C-4 / सा 62 / 2019

Date- 09/01/19

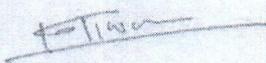
Pursuant to the modified direction under section- 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors under RED/ORANGE/GREEN/WHITE categories vide letter no. B-29012/ESS(CPA)/2015-16 Dated 07-03-2016 circulated final report on revised categorization of industrial sectors under RED/ORANGE/GREEN/WHITE has been evolved on the basis of range of Pollution Index . 'Categorization' is based on the relative pollution potential of the industrial sectors and grouping of the industrial sectors based on the use of raw materials, manufacturing process adopted and pollutants likely to be generated.

- o Industrial Sectors having Pollution Index Score of 60 and above - Red category
- o Industrial Sectors having Pollution Index Score of 41 and 59 - Orange category
- o Industrial Sectors having Pollution Index Score of 21 and 40 - Green category
- o Industrial Sectors having Pollution Index Score of incl. & up to 20 - White category

Whereas based on relative Pollution Index, the number of industries in various categories are as under-

- i. The Red category of industrial sectors: 60
- ii. The Orange category of industrial sectors: 83
- iii. The Green category of industrial sectors: 63 and
- iv. The Newly introduced White category: 36

Further CPCB issued direction under section- 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 vide its letter no. B-29012/MSMEs/IPC-VI/2017-18/ 12189-12230 dated 02.11.2018 that "SPCBs/PCCs shall issue the expanded list of green and white categories of industries incorporating new/left over industrial sectors, which are being operated in their State/UT within a month "

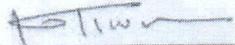


Note No.1: The exemption from obtaining consent of the Board under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981 and Hazardous Waste Management Rules, 2016 for the above mentioned 156 White Category of industries, if the unit satisfies the following conditions:-

- i) That the industry is established/being established in the demarcated Industrial Estates/Zones classified by the State Authorities viz UPSIDC, Department of Industries, Avas Vibhag under draft Master Plan or in mixed category area of predominantly Industrial areas within Municipal limit or a Town/City after classification of the area by other concerned Departments.
- ii) That the investment of the industry is not more than Rs. 5 Crore on plant and machinery.
- iii) That there will not be any discharge of trade effluent from the industry into steam or well or sewer or onto land and/or that industry will not discharge any air pollution including noise into the atmosphere.
- iv) That the industry will not discharge any toxic/hazardous wastes and will not handle any toxic/hazardous chemical.
- v) All such units identified as "Producers" under the provisions of The Plastic Waste Management Rules, 2016 i.e. that is persons engaged in manufacture or import of carry bags or multilayered packaging or plastic sheets or like, and includes industries or individuals using plastic sheets or like or covers made of plastic sheets or multilayered packaging for packaging or wrapping the commodity shall comply with "Extended Producer's responsibility for environmentally sound management of the product until the end of his life.

In case industry is found to create conditions that generate any type of pollution or if there is any objection from the surrounding community and if on verification, it is found that such objection has some substance, the Board shall be at liberty to take legal action against the industry under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 or Environment (Protection) Act, 1986 as considered appropriate.

Note No.2: The industries which falls under white category of industries and have installed DG set of capacity more than 15 KVA and less than 1 MVA, such industries shall obtain consent only for the DG set under green category.


(Ashish Tiwari)

Member Secretary

UTTAR PRADESH SHASHAN
NAGAR VIKAS ANUBHAG-7

In pursuance of the provisions of clause (3) of Article 348 of the Constitution the Governor is pleased to order the publication of the following English translation of notification no. 1056/9-7-18-29(Lucknow)/18, dated 15 July, 2018

NOTIFICATION

No-1056/9-7-18-29 (Lucknow)/18,

Dated Lucknow: 15 July, 2018

In exercise of the powers under sections 6A, 7, 12, and 13 A of the Uttar Pradesh Plastic and other Non-Biodegradable Garbage (Regulation) Act, 2000 (U.P. Act no. 29 of 2000) the Governor is pleased to,-

- (a) prohibit in areas falling in a Nagar Panchayat, Nagar Palika, Nagar Nigam or Industrial Township of the state constituted under Article 243Q, the use, manufacture, sale, distribution, storage, transport, import or export of plastic carry bags of thickness less than 50 microns and disposable plastic carry bags of thickness 50 microns or above not having the name and registration number of manufacturer with effect from the date of the publication of this notification in the Gazette.
- (b) prohibit in areas falling in a Nagar Panchayat, Nagar Palika, Nagar Nigam or Industrial Township of the state constituted under Article 243Q, the use, manufacture, sale, distribution, storage, transport, import or export of cups, glasses, plates, spoons, tumblers, etc made up of plastic or thermocol disposable after one time use with effect from August, 15, 2018.
- (c) prohibit in areas falling in a Nagar Panchayat, Nagar Palika, Nagar Nigam or Industrial Township of the state constituted under Article 243Q, the use, manufacture, sale, distribution, storage, transport, import or export of all kinds of disposable plastic carry bags with effect from October, 2, 2018.
- (d) confer such powers and duties of Local Authority as provided in the Act on the following officers in the areas of their jurisdiction:-

Manoj

- (i) All the District Magistrates, Additional District Magistrates and Sub-Divisional Magistrates in Uttar Pradesh.
 - (ii) All Municipal Commissioners, Additional Municipal Commissioners, Executive Officers, Zonal Officers, Sanitary Inspectors (with permission of Municipal Commissioner and Executive Officers respectively) of the Urban Local Bodies in Uttar Pradesh.
 - (iii) Member Secretary, State Pollution Control Board, All the Environmental Engineer, Scientific Officers, Assistant Environmental Engineer, Assistant Scientific Officers, Junior Engineer, and Scientific Assistant of State Pollution Control Board in Uttar Pradesh.
 - (iv) Director, Environment, Deputy Director Environment, and Assistant Director Environment in Uttar Pradesh.
 - (v) All the Chief Medical Officers and Medical Officers in Uttar Pradesh.
 - (vi) All the Deputy / Assistant Goods and Services Tax Officers in Uttar Pradesh.
 - (vii) All the Divisional Forest Officers, Sub-Divisional Officers and Range Officers in Uttar Pradesh.
 - (viii) All the Tehsildars and Naib Tehsildars in Uttar Pradesh.
 - (ix) All the Tourism Officers and Assistant Tourism Officers in Uttar Pradesh.
 - (x) All the District Supply Officers and Food Inspectors in Uttar Pradesh.
 - (xi) All the Food and Safety Inspectors of Uttar Pradesh.
 - (xii) All the officers of rank Assistant Manager, Junior Engineer and above in Industrial Development Authorities in Uttar Pradesh.
- (e) specify as under, composition fee to be realized by the officers compounding the offences:-

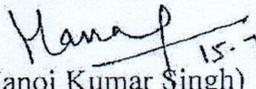
Sr. No. (A)	Quantity of prohibited variety of disposable polythene carry-bags, plastic and thermocol items	Amount in Rupees.
1	Up to 100 gms	1,000
2	101 gms -500 gms	2,000
3	501 gms - 1 kg	5,000
4	1 kg - 5 kg	10,000
5	More than 5 kg	25,000
(B)	Littering of plastic waste by any institution / commercial institution / commercial establishment / educational institutions / offices / hotels / shops / restaurants / sweetshops / dhabas / industrial establishments / banquet halls etc. within premises and on roads, streets, drains, rivers, lakes, ponds, forest areas, public parks, all public places etc.	25,000
(c)	Littering of plastic waste by individuals in the premises of any private or commercial establishments like educational institutions, offices, hotels, shops, restaurants, sweet shops, dhabas, industrial establishments, banquet halls etc. and on	1,000

	roads, streets, rivers, lakes, public parks, forests area and all public places etc.	
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- (f) confer such powers and duties of Local Authority as provided in the aforesaid Act, on the Industrial Development Authority, constituted under the Uttar Pradesh Industrial Area Development Act, 1976.
- (g) specify that the material seized under the provisions of the said Act shall be disposed of in an environment friendly manner through recyclers or co-processing units.

2- Save as provided here inbefore this Notification shall come into force with effect from the date of its publication in the Gazette.

By Order .


(Manoj Kumar Singh)
Principal Secretary

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 12th August, 2021

G.S.R. 571(E).—Whereas the draft rules to amend the Plastics Waste Management Rules, 2016, were published in the Gazette of India, Extraordinary, dated the 11th March, 2021 vide notification number GSR 169 (E), inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date copies of the Gazette containing the said draft rules were made available to the public;

And whereas, copies of the Gazette containing the said draft rules were made available to the public on the 11th March, 2021;

And whereas, objections and suggestions received within the aforesaid period have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 6, 8 and 25 of Environment (Protection) Act 1986, (29 of 1986), the Central Government hereby makes the following rules to amend the Plastic Waste Management Rules, 2016, namely :-

1. (1) These rules may be called Plastic Waste Management (Amendment) Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Plastic Waste Management Rules, 2016 (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), after the word “Importers”, the words, “brand-owner, plastic waste processor (recycler, co-processor, etc.)” shall be inserted.
3. In the said rules, in rule 3,
 - (i) after clause (n), the following clause shall be inserted, namely :-

‘(na) “Non-woven plastic bag” means Non-woven plastic bag made up of plastic sheet or web structured fabric of entangled plastic fibers or filaments (and by perforating films) bonded together by mechanical or thermal or chemical means, and the “non-woven fabric” means a flat or tufted porous sheet that is made directly from plastic fibres, molten plastic or plastic films;’
 - (ii) after clause (q), the following clause shall be inserted, namely: -

‘(qa) “Plastic waste processing” means any process by which plastic waste is handled for the purpose of reuse, recycling, co-processing or transformation into new products;’
 - (iii) after clause (v), the following clauses shall be inserted, namely: -

‘(va) “Single-use plastic commodity” mean a plastic item intended to be used once for the same purpose before being disposed of or recycled;’

‘(vb) “Thermoset plastic” means a plastic which becomes irreversibly rigid when heated and hence cannot be remoulded into desired shape;’

‘(vc) “Thermoplastic” means a plastic which softens on heating and can be moulded into desired shape;’.
4. In the said rules, in rule 4, -
 - (a) in sub-rule (1),-
 - (i) for the words “importer stocking”, the words “import, stocking” shall be substituted;
 - (ii) in clause (c), for the words “fifty microns in thickness”, the words, figures, letters and brackets “seventy five microns in thickness with effect from the 30th September, 2021 and one hundred and twenty (120) microns in thickness with effect from the 31st December, 2022” shall be substituted;
 - (iii) in clause (h), after the words, “carry bags”, the words “and commodities” shall be inserted;

(iv) in clause (h), after the words, “compostable plastic carry bags”, the words “or commodities or both” shall be inserted;

(v) after clause (i), following clause shall be inserted, namely: -

“(j) non-woven plastic carry bag shall not be less than 60 Gram Per Square Meter (GSM) with effect from the 30th September, 2021.”;

(b) after sub-rule (1), the following sub-ules shall be inserted, namely:-

“(2) The manufacture, import, stocking, distribution, sale and use of following single-use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022:-

(a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration;

(b) plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 micron, stirrers.

(3) The provisions of sub-rule (2) (b) shall not apply to commodities made of compostable plastic.

(4) Any notification prohibiting the manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheets and multi-layered packaging and single-use plastic, including polystyrene and expanded polystyrene, commodities, issued after this notification, shall come into force after the expiry of ten years, from the date of its publication”.

5. In the said rules, in rule 5, in sub-rule (1), in clause (d), for the figures “2000”, the figures “2016” shall be substituted.

6. In the said rules, in rule 6, in sub-rule (2), after clause (a), following clause shall be inserted, namely: -

“(aa) ensuring that the provisions of these rules, as amended, are adhered to;”.

7. In the said rules, in rule 7, in sub-rule (1), after clause (a), following clause shall be inserted, namely: -

“(aa) ensuring that the provisions of these rules, as amended, are adhered to;”.

8. In the said rules, in rule 9, in sub-rule (1), after the words, “local body concerned”, the words “as per guidelines issued under these rules from time to time” shall be inserted.

9. In rule 11, sub-rule (1), -

(i) after the words “plastic carry bag”, the words, “plastic packaging” shall be inserted;

(ii) in clause (a), after the word “manufacturer”, the words “producer or brand-owner” shall be inserted, and after the words “carry bag”, the words “and plastic packaging used by the brand owner” shall be inserted;

(iii) in clause (b), after the words “multilayered packaging”, the words “excluding multi-layered packaging used for imported goods” shall be inserted;

(iv) in clause (c), after the words “name and certificate number”, the words “of producer” shall be inserted.

10. In rule 12, -

(i) in sub-rule (2), after the words “waste generator,” ,the words “restriction or prohibition on” shall be inserted;

(ii) in sub-rule (3), after the words “waste generator,” ,the words “restriction or prohibition on” shall be inserted.

11. In rule 13, in sub-rule (1), after the words “Union Territory concerned”, the words “or the Central Pollution Control Board” shall be inserted.

[F. No. 17-2-2001 (Pt)-Part I -HSMD]

NARESH PAL GANGAWAR, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number GSR 320 (E), dated the 18th March, 2016 and subsequently amended *vide* notification number GSR 285 (E), dated the 27th March, 2018.

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5263 of 2022

M/s Raj IndustriesPetitioner
Through :- Mr. Rajesh Kumar Srivastava, Advocate

v/s

State of U.P. and othersRespondents
Through :-
Mr. J.N. Maurya, Chief Standing Counsel for
respondent No. 2, Ms. Meenakshi Singh, State Law
Officer, Mr. Shyam Mani Shukla, Advocate for
respondent No. 4

CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE J.J. MUNIR, JUDGE

ORDER

1. The grievance raised by the petitioner, who is a manufacturer of certain plastic items in terms of the license granted to him by the Ministry of Micro, Small and Medium Enterprises, is that in the garb of Notification dated July 15, 2018 issued by the State Government, he is being harassed. As per the aforesaid notification, manufacturing of single use plastic items is banned.
2. It is submitted that the petitioner is not manufacturing any single use plastic item. He further fairly submitted that in case on inspection by the competent authority, it is found that the petitioner is indulging in manufacture of any single use plastic item in violation of Notification dated July 15, 2018, appropriate action in terms of law can be taken.
3. Though learned counsel for the respondents submitted that on inspection, it was found that the petitioner was violating the conditions of his license and hence, action was taken. In case there is no violation of the Notification dated July 15, 2018, the petitioner can continue manufacturing the items for which license has been granted to him strictly as per permission granted.

4. After hearing learned counsel for parties, the present petition is disposed of accordingly.

(J.J. Munir, J.)

(Rajesh Bindal, C.J.)

Allahabad
09.03.2022
I. Batabyal/Brijesh Maurya

Whether the order is speaking : Yes/No

Whether the order is reportable : Yes/No