

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 137/2026

IN THE MATTER OF:

Aakash Ranison

... Applicant

versus

Central Pollution Control Board (CPCB) & Ors.

... Respondents

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DATE: May 20, 2026

PLACE: DELHI

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 137/2026

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... Applicant

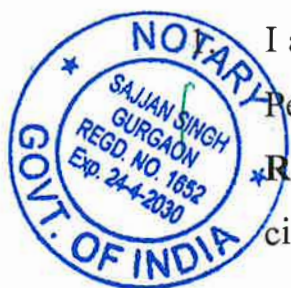
versus

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... Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 3 – PEPSICO INDIA
HOLDINGS PRIVATE LIMITED**

I, Deepti Dhall, of legal age, daughter of Mr. Sudhir Gupta, working as Senior Analyst – Legal with M/s PepsiCo India Holdings Private Limited, having my office at 5th & 6th Floor, Tower – A, Intellion Edge, Southern Periphery Road, Sector – 72, Gurugram – 122101, do hereby solemnly affirm and state as follows:



I am the authorised representative of Respondent No. 3, namely M/s PepsiCo India Holdings Private Limited ("**PepsiCo**" or "**Answering Respondent**"), and I am well acquainted with the facts and circumstances of the present case.

2. The Applicant has filed the present application on account of the plastic pollution being caused by the plastic bottle caps in packaged drinking water and beverage bottles. More particularly, the Applicant's grievance is that although all the plastic bottles are collected, their detachable plastic caps are not collected, thereby causing environmental pollution.

Deepti Dhall

3. At the outset, it is submitted that Answering Respondent is a law-abiding and responsible corporate entity, committed to full compliance with all environmental, statutory, and regulatory obligations applicable to it, including the Plastic Waste Management Rules, 2016, as amended from time to time (“**PWM Rules**”).
4. The Answering Respondent is filing the present reply demonstrating compliance with all applicable statutory and regulatory. In the following paragraphs, the Answering Respondent will establish its compliance with applicable law, including its obligations under the Extended Producer Responsibilities (“**EPR**”) and that no orders are necessitated against the Applicant in these proceedings.

A. **PRELIMINARY OBJECTIONS**

5. The premise of the Applicant that the absence of a mandate for tethered caps constitutes a regulatory gap or failure is, therefore, misconceived. The Applicant effectively seeks to substitute the existing statutory framework with a design-based mandate, which falls squarely within the domain of legislative and executive policymaking.



6. As stated above, the Answering Respondent is in compliance with the applicable requirements under PWM Rules, as well as its EPR compliances.

7. It is stated that the EPR presently does not have any compliances specific to plastic bottle caps. As such, any enforcement thereof be subject matter of these proceedings. In fact, the applicable law in India does not mandate the use of tethered caps or any specific product design standard requiring that bottle caps to remain attached to their

Reply

containers - neither the Environment (Protection) Act, 1986, nor the PWM Rules (as amended from time to time), nor any notification, guideline, advisory, or binding direction issued by the Central Pollution Control Board (“CPCB”), the Ministry of Environment, Forest and Climate Change (“MoEFCC”), or any other competent statutory or regulatory authority in India.

8. In other words, as on date, the applicable legal framework in India does not regulate packaging at the level of granular engineering specifications of individual components such as caps, closures, or seals, and there exists no statutory prohibition against the use of detachable caps.



9. The PWM Rules, as amended, constitute a comprehensive and self-contained code governing plastic waste management in India. The PWM Rules impose obligations upon producers, importers and brand owners in relation to Extended Producer Responsibility, including registration, fulfilment of collection and recycling targets, environmentally sound management of plastic waste, and maintenance of traceability through authorised waste management channels.
10. The regulatory focus of the PWM Rules is on ensuring that plastic waste introduced into the market is effectively collected, processed and recycled, and not on prescribing or mandating specific product design or engineering configurations of packaging components such as bottle caps.
11. The existing regulatory framework does not prescribe any requirement in relation to tethered caps or similar design standards.

Deepti

The PWM Rules, as presently structured, adopt an outcome-oriented approach based on EPR), focusing on the collection, recycling and environmentally sound management of plastic waste, rather than prescribing specific product design or engineering configurations. Any introduction of design-specific requirements would necessarily involve technical, economic and scientific evaluation, stakeholder consultation, and formal rule-making under the applicable statutory framework.

12. In these circumstances, and in the absence of any statutory provision, rule, notification or binding direction requiring the use of tethered caps, the answering Respondent cannot be alleged to be in non-compliance or in violation of any applicable law.
13. The mere non-adoption of a particular packaging design, which is neither mandated nor even contemplated under Indian law, cannot give rise to any cause of action or liability. No adverse inference, presumption or imputation of environmental non-compliance can be drawn against the answering Respondent on this basis.
14. In any event, the Applicant has failed to place on record any scientific study, empirical assessment, waste-characterisation analysis, or other credible data demonstrating that tethered beverage caps constitute one of the highest, predominant, or disproportionately significant contributors to plastic litter or environmental leakage in India. The averments made in the Application in this regard are broad, generic and unsupported by any verified, scientifically established material. No data has been produced to demonstrate that detachable caps, contribute to plastic pollution in a manner warranting a separate



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design-specific regulatory intervention under the prevailing statutory framework.

15. Without prejudice to the above, it is submitted that any attempt to read into the existing framework an implied obligation to adopt tethered caps would amount to impermissible judicial expansion of the statutory regime.
16. The PWM Rules clearly delineate the scope of obligations imposed upon brand owners, and such obligations cannot be enlarged by implication to include design mandates which have consciously not been incorporated by the rule-making authority.
17. In view of the foregoing, the present application is wholly misconceived, with no cause of action against the answering Respondent, being founded on an erroneous understanding of the applicable statutory framework and seeking to introduce, through adjudicatory directions, a product design mandate that finds no place in Indian law.
18. The answering Respondent is in full compliance with all extant legal and regulatory requirements, and the relief sought, in effect, invites this Hon'ble Tribunal to enter the domain of policy formulation and rule-making, which lies exclusively within the competence of the legislature and the executive.
19. The present application, therefore, deserves to be dismissed at the threshold.

B. PEPSICO'S COMPLIANCE WITH THE PWM RULES



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20. At the outset it is submitted that beverage bottles associated with products marketed under the Answering Respondent's brands is manufactured and sold by our authorised Bottlers, an independent bottling entity and manufacturer. The corresponding obligations relating to manufacture, and EPR compliance for such packaging are discharged by the respective Bottlers in accordance with the PWM Rules and the applicable regulatory structure.
21. Notwithstanding the above, in the following paragraphs the answering Respondent will demonstrate that it is in full, complete and demonstrable compliance with its obligations as a 'Brand Owner' under the PWM Rules, as amended from time to time, including Rule 9 thereof.
22. At all material times, the answering Respondent has adhered to both the letter and spirit of the statutory framework governing Extended Producer Responsibility and plastic waste management and has implemented robust internal and external mechanisms to ensure continuous compliance across all jurisdictions in which it operates within India.
23. In furtherance of its statutory obligations, the answering Respondent has, *inter alia*, undertaken all necessary measures mandated under the PWM framework as follows:
- (a) The answering Respondent has obtained all requisite registrations as a Brand Owner on the portal maintained by the Central Pollution Control Board and has duly declared and fulfilled its Extended Producer Responsibility targets in accordance with the applicable regulatory requirements.



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(b) The answering Respondent has ensured 100% collection, segregation, transportation and environmentally sound processing of plastic waste equivalent to the quantity of plastic packaging introduced by it into the market, including both pre-consumer and post-consumer waste streams which is in accordance with the applicable regulatory targets.

(c) The answering Respondent has also consistently complied with all reporting and disclosure obligations, including the timely filing of annual returns, EPR reports and other statutory submissions as required under the PWM Rules.



(d) Further, the answering Respondent has engaged duly authorised Waste Management Agencies recognised under the PWM framework, which are responsible for the collection and channelisation of plastic packaging waste to authorised recyclers, thereby ensuring that the entire waste management lifecycle remains traceable, auditable and compliant with statutory norms.

24. The answering Respondent discharges its EPR obligations on a pan-India basis through a structured and well-regulated network of authorised and registered Waste Management Agencies. These agencies operate strictly under statutory authorisations granted under the PWM Rules and are tasked with implementing end-to-end waste management functions, including collection from multiple sources, segregation, aggregation, transportation and final processing through authorised recyclers or processors.

25. The engagement of such agencies ensures that the obligations cast upon the answering Respondent under the law are fulfilled through a

Signature

decentralised yet accountable system that aligns with the regulatory architecture envisaged under the PWM Rules.

26. The EPR framework under the PWM Rules is designed to ensure that plastic packaging introduced into the market is offset through equivalent or greater recovery and processing and does not require component-wise segregation or accounting of individual elements such as caps, labels or containers in isolation.
27. Plastic caps, being an integral part of the overall packaging system, are necessarily included within the aggregate plastic waste collected and processed under the answering Respondent's EPR obligations. Such compliance directly advances the objectives of the statutory framework, namely the environmentally sound management of plastic waste, reduction of environmental leakage, and strengthening of circularity within the plastic value chain.
28. In light of the foregoing, the answering Respondent's compliance with the PWM Rules is comprehensive, continuous and fully aligned with the regulatory intent underlying the EPR regime. The allegations in the present application are premised on environmental non-compliances in respect of tethered caps, which are wholly misconceived and fail to appreciate the structure and operation of the governing statutory framework.

C. PEPSICO'S SUSTAINABILITY AND CIRCULARITY INITIATIVES

19. Without prejudice to the foregoing submissions, the answering Respondent has undertaken significant and proactive measures to enhance the recyclability, recoverability and overall circularity of its



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plastic packaging. This is in alignment with the answering Respondent's organisational objectives and regulatory philosophy underlying the PWM Rules, as well as its global and domestic sustainability commitments.

20. The answering Respondent has already transitioned a substantial portion of its packaging portfolio, including approximately 80% of its flexible packaging, to recycle-ready designs and continues to actively phase out complex multi-material structures which pose challenges to efficient recycling within existing waste management systems.

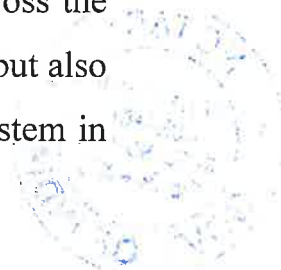
21. In parallel, the answering Respondent is progressively adopting mono-material, single-polymer packaging formats, including all-polyethylene and all-polypropylene laminates, which are capable of being mechanically recycled and reintegrated into the value chain through downstream applications.

22. These efforts are complemented by the answering Respondent's consistent over-achievement of its EPR targets, as well as its engagement with authorised waste management agencies across the country, thereby contributing not only to its own compliance but also to the strengthening of the broader waste management ecosystem in India.

D. REPLY ON MERITS

23. The reliance placed by the Applicant on the European Union Single-Use Plastics Directive, including the mandate relating to tethered caps, is misplaced and inapplicable in the Indian context.

24. The European regulatory framework has evolved within a distinct legal, economic and infrastructural environment, and the tethered caps requirement forms part of a broader legislative package tailored to the



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specific needs and waste management systems of EU member states. Such regulatory measures cannot be selectively or mechanically transposed into the Indian legal framework without regard to India's existing statutory regime, policy priorities and ground-level realities of waste management infrastructure.

25. Even within the European Union, the introduction of tethered caps was preceded by a detailed and consultative legislative process spanning several years, involving technical feasibility assessments, stakeholder consultations, impact analyses and standardisation exercises undertaken through recognised bodies such as the European Committee for Standardization.
26. No analogous consultative or rule-making process has been undertaken in India to evaluate the necessity, feasibility, or proportionality of mandating tethered caps. Any such mandate, if at all considered, would necessarily require a similar exercise by the competent authorities in India under the Environment (Protection) Act, 1986.



The Indian regulatory framework, through its EPR regime, adopts a comprehensive and outcome-oriented approach by mandating the collection and processing of 100% equivalent of plastic waste generated. The answering Respondent's demonstrated compliance with such obligations evidences that the objectives sought to be achieved by the Applicant are already being addressed through the existing statutory mechanism.

28. The Applicant's invocation of the precautionary principle and the polluter pays principle is also misconceived in the facts of the present case. These principles, while integral to environmental jurisprudence,

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operate within the framework of existing law and cannot be invoked to impose a design mandate which finds no place in the statutory regime.

29. In the present case, there is no regulatory vacuum warranting invocation of the precautionary principle, as the PWM Rules already provide a comprehensive mechanism for management of plastic waste. Further, the polluter pays principle stands fully addressed through the answering Respondent's compliance with its EPR obligations, whereby the answering Respondent bears the responsibility and cost of collection, recycling and environmentally sound processing of plastic waste equivalent to its market footprint.



30. The Applicant's assertion that adoption of tethered caps is a simple or cost-neutral transition is incorrect and oversimplified. Any modification to beverage packaging systems at scale involves substantial technological, operational and financial implications, including redesign of packaging architecture, mould redesign, supply-chain recalibration and large-scale capital investment across manufacturing ecosystems.

31. Notwithstanding the cost implication, the reliance placed by the Applicant on Articles 14 and 21 of the Constitution of India is equally untenable. The answering Respondent operates strictly within the bounds of the law and in conformity with all applicable regulatory requirements. The right to a clean and healthy environment under Article 21 is advanced, and not infringed, by the answering Respondent's consistent compliance with the PWM Rules and its demonstrable efforts towards ensuring responsible plastic waste management. No violation of any fundamental right can be attributed

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to the answering Respondent on the basis of the allegations made in the present application.

In light of the aforesaid submissions, it is respectfully submitted that the allegations raised in the present application are devoid of any legal or factual basis and fail to disclose any instance of non-compliance with the prevailing statutory regime.

The existing framework under the PWM Rules adequately governs the field and reflects a conscious regulatory choice in favour of an outcome-based EPR mechanism rather than prescriptive design mandates.

The reliefs sought by the Applicant, in substance, seek the creation of a new regulatory standard, which is impermissible in the absence of statutory backing. The present application is therefore liable to be rejected, being misconceived and unsustainable in law.



DEPONENT

VERIFICATION

I, Deepti Dhall, the deponent abovenamed do hereby solemnly affirm and state that the contents of the foregoing counter affidavit are true and correct and that nothing material has been concealed therefrom.

Verified in Gurugram on the __ day of May 2026.



ATTESTED
(SAJJAN SINGH)
ADVOCATE & NOTARY
GURGAON (HARYANA)

19 MAY 2026



DEPONENT

**THROUGH**

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PLACE: NEW DELHI
May 19, 2026



From: [Sahir Seth](#)
To: danubeconsulting@gmail.com
Cc: [Dheeraj Nair](#); [Vishrutvi Sahni](#); [Prem Prakash Tiwari](#)
Subject: [Advance Service] - Reply on behalf of Respondent No. 3 in Original Application No. 137/2026 - Aakash Ranison v. CPCB & Ors.
Date: 20 May 2026 13:44:46
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[Reply on behalf of Respondent No. 3.pdf](#)

To:

Mr. Narender Pal Singh

Counsel for the Applicant.

Sir,

We write to you as counsel for PepsiCo India Holdings Private Limited ("**Respondent No.3**").

As and by way of advance service, please see attached the Reply on behalf of Respondent No. 3 in the subject proceedings.

We request you to acknowledge receipt of the same.

Regards,

Sahir Seth

Senior Associate

JSA Advocates & Solicitors



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