

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL.

Principal Bench, New Delhi

Original Application No. 29/2020

In the matter of:-

Avani Mishra

Applicant

VS.

Union of India & Ors.

Respondent(s)

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2.	<b>Annexure- I</b> Application for Registration for Producers or Brand Owners as per Plastic Waste Management Rules, 2018.	
3.	<b>Annexure-II</b> Format on Plastic Waste Management prepared and forwarded by CPCB to SPCBs/PCCs to provide requisite information in the matter.	
4.	<b>Annexure- III</b> A copy of Hon'ble NGT order dated 25.02.2020.	



(Divya Sinha)  
Scientist -E

Central Pollution Control Board  
Parivesh Bhawan, East Arjun Nagar,  
Delhi-110032

Place: Delhi

Dated: 11.06.2020

Date: 09.06.2020

**Report in the matter of Avani Mishra Vs. Union of India & Ors.( Original  
Application No. 29/2020 ) before Hon'ble NGT, PB, New Delhi**

**1. Background:**

Grievance in this application is against unchecked use of plastic pens having adverse impact on the environment. It has been observed that 1600 to 2400 million pieces are brought to the market every year and 91 % of plastic waste so generated is not recycled. The extended producers' liability is not being duly enforced.

Vide order dated 25/02/2020 in this matter, Hon'ble NGT directed CPCB as follows:

*"To enable such consideration, we require a response on the subject from MOEF&CC and the CPCB before the next date.*

*The CPCB will be at liberty to issue appropriate directions to all States/Uts for compliance."*

**2. Action Taken Report:-**

**2.1 Provisions of PWM Rules,2018:**

**a)** As per provision 9(2) of PWM Rules, 2018 *"Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal"*.

**b)** As per provision 13(1) & (2)- **Registration of producer, recyclers and manufacturer, -** of PWM Rules, 2016, as amended 2018

*"No person shall manufacture carry bags or recycled plastic bags or multi-layered packaging unless the person has obtained a registration from the State Pollution Control Board or the Pollution Control Committee of the Union Territory concerned, as the case may be, prior to the commencement of production;"*

*"Every producer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application in Form-I to*

- i) *"The concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating one or two States or Union Territories"; or*
- ii) *"The Central Pollution Control Board, if operating in more than two States or Union Territories*

Form-1 i.e. application for registration for producers or brand owners (**Annexure-I**) as per PWM Rules,2018 is only for Carry bags and MLP.

In compliance of aforesaid provisions, CPCB has issued registration to 92 Brand-owner & 4 Producers having EPR target of approximately 4.5 lakhs tons per annum.

The items covered under EPR in PWM Rules, 2018 are **multi-layered plastic sachet or pouches or packaging**, thus, items such as plastic pens and other plastic products have not been covered under Extended Producers Liabilities.

c) As per Rule 6(1) of PWM Rules,2018, *"every local body shall be responsible for development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste either on its own or by engaging agencies or producers."*

CPCB has compiled the Annual Report on PWM for the year 18-19 and as per this report, total Plastic waste generation in the country is 33,60,048 TPA and there are 4773 registered plastic manufacturing/recycling units.

In the matter of OA 247/2017, status report of PWM in accordance with provisions of PWM Rules,2018 has been submitted to Hon'ble NGT in Sept.,2019. CPCB has further prepared and forwarded a format on PWM (**Annexure-II**) to all SPCBs/PCCs to provide requisite information in the matter. Report on the matter is under submission.

## **2.2 National Framework for Extended Producers Responsibility(EPR):-**

National Framework for EPR under PWM Rules,2018 is under consideration at MoEF &CC. CPCB has communicated to MoEF & CC to clearly enumerate the items to be covered under EPR.

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**FORM - I**  
[See rules 13 (2)]

**APPLICATION FOR REGISTRATION FOR PRODUCERS or BRAND OWNERS**

From: .....

.....

..... (Name and full address of the occupier)

To

The Member Secretary,

..... Pollution Control Board or Pollution Control Committee

.....

Sir,

I /We hereby apply for registration under rule 9 of the Plastic Waste Management Rules, 2016, as amended 2018.

**I-PRODUCERS**

S. No	PART – A (GENERAL)	
1	a. Name and location of the unit	
	b. Address and Contact number	
	c. Registration required for manufacturing of:	
	<input checked="" type="checkbox"/> (i) Carry bags; (a) petro- based, (b) Compostable <input checked="" type="checkbox"/> (ii) Multi-layered plastics	
	d. Manufacturing capacity	
	e. In case of renewal, previous registration number and date of registration	
2	Is the unit registered with the District Industries Centre of the State Government or Union territory? If yes, attach a copy.	
3(a)	Total capital invested on the project	
(b)	Year of commencement of production	
4(a)	List and quantum of products and by-products	
(b)	List and quantum of raw materials used	
5	Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and water.	
6	Status of compliance with these rules- Thickness – fifty microns (Yes/No)	
<b>PART – B (PERTAINING TO LIQUID EFFLUENT AND GASEOUS EMISSIONS)</b>		
7	a. Does the unit have a valid consent under the Water (Prevention and control of Pollution) Act, 1974? If yes, attach a copy.	
	b. Does the unit have a valid consent under the Air (Prevention and control of Pollution) Act, 1981? If yes, attach a copy.	
<b>PART – C (PERTAINING TO WASTE)</b>		
8	Solid Wastes or rejects: a) Total quantum of waste generated b) Mode of storage within the plant c) Provision made for disposal of wastes	
9	Attach or Provide list of persons supplying plastic to be used as raw material to manufacture carry bags or plastic sheet of like or multi-layered packaging	
10	Attach or provide list of personnel or Brand Owners to whom the products will be supplied	
11	Action plan on collecting back the plastic wastes	
Date:	Name and Signature Designation	
Place:		

## For the quarter October 2019- December 2019

Serial	No	ITEM	Current Status	Desirable levels	Gap between the Current Status and	Timeline
1	a	What is the quantity of plastic waste generated, ( <b>Annual Report form VI pt.2,6</b> )( TPD )				
2	a	Number of registered plastic manufacturing units				
	b	Capacity of registered plastic manufacturing units (TPD)				
3	a	Total no. of ULBs				
	b	Percentage of ULBs which have set-up of plastic waste management system as per <b>Rule 6(2)</b> ? (including collection , segregation, Channelization & processing of plastic waste )				
	c	Percentage of ULBs having facilities for Collection of Segregated waste				
	d	Percentage of ULBs Material Recovery facility				
4	a	Total no. of Gram Panchayat				
	b	Percentage of Gram Panchayat GPs which have set-up of plastic waste management system as per <b>Rule7?</b>				
	c	Percentage of GPs having facilities for Collection of Segregated waste				
		Percentage of GPs having Material Recovery facility				
5	a	No. of registered Producers/brand owners/ importers as per <b>Rules 9 &amp; 13</b> of PWM Rules?				
	b	Percentage of Producers/brand owners/ importers which have engaged with ULBs for PWM				
	c	Percentage of ULBs which have set up system for plastic waste management with assistance of producers been set -up? <b>Rule(6(3))?</b>				
6	a	Number of registered plastic waste recyclers				
	b	Capacity of recyclers (TPD)				
7	a	Status of Utilization of plastic waste (Annual Report form VI pt.4)				
	b	Quantity of plastic Waste utilized in recycling ( TPD)				
	c	Quantity of plastic waste utilized in recycling Road Construction				
	d	Quantity of waste Co-processed in Plastic Waste in Cement kilns				
	e	Quantity of waste utilized in production of RDF				
	f	Quantity of plastic waste used in production of Waste to oil				
	g	Quantity of plastic waste used in other purpose (please specify)				
8	a	No. of Units registered manufacturing compostable plastic				

	b	Total Capacity of Units manufacturing compostable plastic				
9	a	No. of unregistered plastic manufacturing or recycling units. ( <b>Annual Report format pt.7</b> )				
10	a	Whether local bodies have framed bye-laws [ <b>Rule 6(4)]?</b>				
11	a	Whether plastic carry bags & plastic sheet of thickness < 50 micron banned or not [ <b>Rule4(c)]?</b>				
12	a	Has complete ban on plastic carry bags been imposed? ( <b>Annual Report format pt. 3</b> )				
13	a	Status of action taken on non-compliance of PWM Rules ( <b>Annual Report format pt.9</b> )				
14	a	Status of marking & labelling on plastic carrybags & multi layered packaging.( <b>Rule11</b> )				
15	a	Whether State Level Advisory Committee is constituted or not? ( <b>Rule 16</b> ) If yes, details of number of meetings conducted in a year and implementation of suggestions of committee in the last two years.				
16	a	Status of phasing out of manufacture and use of multi-layered plastic which is non - recyclable or non - energy recoverable or with no alternate use of plastic in two years' time [ <b>Rule 9-3</b> ]				
17		<b>NGT Directions (para 14d) of 247/2017 order dated 06.12.2019</b>				
	a	Has institutional mechanism as per para 14d been established(Y/N)				
	b	Confirmation that no. unregistered plastic manufacturing/recycling unit is operated in the State/UT(Y/N)				
	c	Confirmation that no plastic carry bags/films <50 microns thickness is manufactured, stocked, sold and used in cities/towns of State/UT (Y/N)				
	d	Confirmation that thermocol/polystyrene cups, plates, etc are not used extensively and are not haphazardly littered (Y/N)				
	e	Confirmation that has Special Environmental Squad been set up for enforcement to oversee and ensure that no litter of plastic waste takes place at historical, religious, public places .				
	f	Confirmation that no dumping of plastic waste on drains river bank and no burning of plastics in open take place in State/UT (Y/N)				

Item No. 08

Court No. 1

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

Original Application No. 29/2020

(Order No.01)

Avani Mishra

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 25.02.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s):

Ms. Avani Mishra, Mr. Jalaj Padey Advocates

**ORDER**

Grievance in this is against unchecked use of plastic pens having adverse impact on the environment. The CPCB will be at liberty to issue appropriate directions to all the States/UTs by for compliance. The Ministry of Jal Shakti is also at liberty to take further remedial action in the matter. It is submitted that 91 per cent of the plastic waste so generated is not recycled. 1600 to 2400 million pieces are brought to the market every year. The extended producers' liability is not being duly enforced. The applicant has suggested that policy of 'buy back' be introduced.

Since a connected matter dealing with the enforcement of 'extended producers liability' in respect of plastic is being separately considered by this Tribunal in *Execution Application No.*

13/2019 in Original Application No. 247/2017, Central Pollution Control Board v. State of Andaman & Nicobar & Ors., fixed for hearing on 29.04.2020, the present matter can be considered on the same date. To enable such consideration, we require a response on the subject from the MoEF&CC and the CPCB before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

A copy of this order be sent to the MoEF&CC and the CPCB by email for compliance.

The applicant may furnish a set of papers to the MoEF&CC and the CPCB and file an affidavit of service within one week.

List for further consideration on 29.04.2020.

Adarsh Kumar Goel, CP

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 25, 2020  
Original Application No. 29/2020  
AK