

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL.

Principal Bench, New Delhi

Original Application No. 997/2019

In the matter of:-

Aditya Dubey (Minor)

Applicant

VS.

M/s. Amazon Retail India Pvt. Ltd. & Ors.

Respondent(s)

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2.	Annexure- I Email dated 05.03.2020 communicated by CPCB to M/s Amazon Retail India Pvt. Ltd. for submission of requisite documents for registration as per provisions of Plastic Waste Management Rules, 2016.	
3.	Annexure-II Email dated 04.03.2020 communicated by CPCB to M/s Flipkart Pvt. Ltd. for submission of requisite documents for registration as per provisions of Plastic Waste Management Rules, 2016.	
4.	Annexure-III Letter dated 06.12.2019 issued by Instakart Services Pvt. Ltd. to CPCB informing that M/s Flipkart Pvt. Ltd. is their holding company registered in Singapore.	
5.	Annexure-IV Registration Certificate for Brand -Owner dated 01.06.2020 is issued by CPCB to M/s Instakart Services Pvt. Ltd. for collection and channelization of 6206 TPA plastic waste.	
6.	Annexure- V A copy of Hon'ble NGT order dated 29.01.2020.	



(Divya Sinha)
Scientist -E

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

Place: Delhi
Dated: 12.06.2020

Central Pollution Control Board

Date: 8th June, 2020

Report in the matter of Aditya Dubey (Minor) Vs. M/s. Amazon Retail India Pvt. Ltd. & Ors. (Original Application No. 997/2019) before Hon'ble NGT, PB, N. Delhi

1. Background:

Grievance in this application is against violation of obligation under Rule 9 of the Plastic Waste Management Rules, 2016, by M/s. Amazon Retail India Pvt. Ltd. and M/s. Flipkart Pvt. Ltd., in terms of principle of Extended Producer Responsibility. It is alleged that excessive plastic waste is being generated during packaging in the course of e-marketing.

Hon'ble NGT vide order dated 29/01/2020 in this matter directed as follows:

"Let further steps be taken in terms of the above recommendation and action taken report filed before the next date."

2. Compliance of the directions of Hon'ble NGT:-

In compliance with aforesaid Order of the Hon'ble court, CPCB communicated vide E-mail dated 05/03/2020 to M/s. Amazon Retail India Pvt. Ltd. (**Annexure-I**) and E-mail dated 04/03/2020 to M/s. Flipkart Pvt. Ltd. (**Annexure-II**) for submission of requisite documents for registration with CPCB as per provisions of PWM Rules, 2016..

2.1. Status report of M/s. Amazon Retail India Pvt. Ltd.:

- I. M/s. Amazon Retail India Pvt. Ltd. submitted the application for registration under PWM Rules, 2018 to CPCB on December 05, 2019 having EPR target of collection and channelization of **0.5 T PA** plastic waste.
- II. The application is under process, however, complete documents regarding PAN India coverage of Plastic Waste Management and confirmation of quantity of plastic consumption (as informed only 0.5 TPA) have not been submitted by firm so far. Details of correspondence are enclosed at **Annexure-I**.

- III. M/s. Amazon Retail India Pvt. Ltd. is required to submit requisite documents regarding PAN India coverage of Plastic Waste Management and confirmation of quantity of plastic consumption (as informed only 0.5 TPA).

2.2. Status report of M/s. Flipkart Pvt. Ltd. :

- I. M/s Flipcart Pvt. Ltd has not responded to CPCB's email dated March 04,2020 and no other correspondence has been received from the firm by CPCB so far. However, vide letter dated 6th December,2019, M/s Instakart Services Pvt. Ltd informed that M/s Flipkart Private limited is their holding company, registered in Singapore and M/s Instakart is engaged in the business of providing logistics and fulfilment services to group companies. **(Annexure-III)**
- II. In compliance with provisions 9(2) and 13(2) of PWM Rules, 2018 for registration as Brand-owner, M/s Instakart Pvt. Ltd. has been issued registration as Brand Owner by CPCB vide Registration no. B-17011/UPC-II-PWM (MLP)/2020(ISPL)-626 dated June 1st, 2020 for collection and channelization of 6206 TPA plastic waste.**(Annexure- IV).**
- III. M/s FlipKart Pvt. Ltd is required to submit application for registration directly to CPCB or provide requisite documents supporting its linkage with M/s Instakart Services Pvt. Ltd.
-

Registration as a Brand-Owner to M/s. Amazon Retail India Pvt. Ltd. under PWM Rules, 2018

Divya Sinha <pwm.cpcb@gov.in>

Thu, Mar 5, 2020 at 4:50 PM

To: rajamram@amazon.com

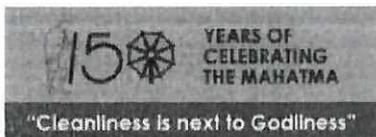
Cc: divysinha <divysinha@yahoo.com>, pankajcpcb <pankajcpcb@gmail.com>, atanudey2000 <atanudey2000@gmail.com>

Sir,

This has reference to your submitted replies dated December 24,2019. It is to inform that the following clarification is still required for further processing of your application:

S.No.	Particulars Asked by CPCB on December 10, 2019	Response of the applicant company on December 24,2019	Comments by CPCB
1.	Mention the quantity and type of plastic consumed for packaging in SL. No. 2 of Action Plan	MLP-0.5 MT per annum Revised Action Plan is being enclosed and marked as "Annexure-2"	Please provide the list of suppliers of 0.5 MT plastic materials with documents (invoice, bill etc.)
2.	Mention the quantity of plastic waste in material flowsheet	Revised material flowsheet with details is enclosed and marked as "Annexure-3"	Material flowsheet not in order. It should have collection points through ULBs in 5 zones, disposal methods along with quantity of plastic waste.
3.	Document supporting the engagement of WMA (M/s. Gem Enviro) by ULBs in West, North, South, Central India directly. The WMA should have PAN India coverage (East, West, North, South and Central India) as per guidelines of Action Plan	Documents are enclosed and marked as "Annexure-4"	Action plan is incomplete w.r.t. information of zone wise collection of plastic waste through agency. The firm has engaged only one waste management agency (M/s. GEM Enviro Management Pvt. Ltd.) which has direct association with only one ULB (Berhampur MC, Odisha - East Zone). In view of the fact that engagement of WMA which have direct association with ULBs is permitted, the Action Plan for collection of plastic waste from all 5 Zones is to be revised. Third party (associate partners) cannot be considered for collection of plastic waste.

Regards,
Pankaj Agarwal,
Sci 'E', UPC-II
CPCB, Delhi-32



Registration as Brand-Owner to M/s. Instakart Services Pvt. Ltd. under PWM Rules, 2018

Wed, Mar 04, 2020 06:21 PM

From : Divya Sinha <pwm.cpcb@gov.in>
Subject : Registration as Brand-Owner to M/s. Instakart Services Pvt. Ltd. under PWM Rules, 2018
To : manasi pathak <manasi.pathak@flipkart.com>
Cc : divsinha <divsinha@yahoo.com>, pankajcpcb <pankajcpcb@gmail.com>, atanudey2000 <atanudey2000@gmail.com>

Sir/Madam,

This has reference to your submitted documents dated 28/2/2020. Following documents still required for further processing of your application:

- The firm has engaged with two WMAs i.e. M/s. IPCA & M/s. GEM Enviro. The WMAs have covered 3 zones of India (**North-J&K** MC and EDMC by M/s. IPCA and **East-Berhampur** MC, Odisha & **Central-Harda** MC, Madhya Pradesh by M/s. Gem Enviro) instead of all 5 zones for collection of plastic waste through ULBs as per the guideline of Action Plan prepared by CPCB.
- Necessary engagement in the remaining 2 zones (South and West) for collection of plastic waste through ULBs needs to be provided. Material flowsheet not in order. Flow sheet should have collection points through ULBs in 5 zones, disposal methods of plastic waste alongwith the quantity.
- Provide the list of plastic suppliers along with the quantity mentioned in Sl. No. 8 of revised Form-I.

It is requested to revise the Action Plan with the above observation and submit to CPCB alongwith revised Annexure-I (format of Action Plan) and Form-I incorporating all the changes made throughout the conversion process at the earliest.

Regards,
Pankaj Agarwal,
UPC-II,
CPCB, Delhi-32

InstaKart Services Private Limited

CIN: U74900KA2015PTC080778

Regd. off: Brigade Manae Court, No.111, Industrial Layout,
Koramangala, Bangalore – 560095

Phone: 080-67988250

Ms Divya Sinha

Date: 06.12.2019

Addl. Director & I/c UPC-II

Central Pollution Control Board

Parivesh Bhawan, East Arjun Nagar

Delhi – 110032

Subject: Letter dated 06.11.2019 regarding O.A. No. 997/2019 in the matter of Aditya Dubey (Minor) Vs. Amazon Retail India Private Limited & Ors. Before NGT, PB, New Delhi (F.No. B-17011/7/PWM(Corres)/2019/8540).

Respected Maám

We are writing to you in response to your letter dated 06.11.2019 with F.No. B-17011/7/PWM(Corres)/2019/8540. As mentioned earlier in our letter to you dated 19.11.2019, while your letter dated 06.11.2019 was addressed to our holding company, Flipkart Private Limited (“Flipkart”), registered in Singapore, we are writing to you on behalf of Instakart Services Private Limited (“Instakart”) which is engaged in the business of providing logistics and fulfilment services to group companies.

We understand from the letter dated 06.11.2019 that Flipkart being a brand-owner is under an obligation to register itself by making an application in Form-I under the Plastic Waste Management Rules 2016 and under the related amendments of 2018 (collectively referred to as “PWM Rules”). In this light we would like to bring to your kind notice the initiatives taken by us thus far to get our registration as brand owner completed and the related developments:

AD (P/A)
11/12/19
By
1.12/19
JCSL-B



InstaKart Services Private Limited

CIN: U74900KA2015PTC080778

Regd. off: Brigade Manae Court, No.111, Industrial Layout,
Koramangala, Bangalore – 560095

Phone: 080-67988250

Date	Event
17 October, 2018	Application filed by Instakart seeking registration as a brand owner in the states where it is operating. Copy of the Application attached as <u>Annexure-I</u> .
13 November, 2018	General notice received by M/s Flipkart India Private Limited (“Flipkart India”) from the Central Pollution Control Board (“CPCB”) informing about the online registration facility for producers, brand owners and importers. Copy of the letter attached as <u>Annexure-II</u> .
27 November, 2018	Reply by Flipkart India to CPCB letter dated 13 November, 2018 informing CPCB about the nature of business activity undertaken by Flipkart India and thereafter seeking a clarification from CPCB as to whether the requirement of registration under the PWM Rules would still be applicable to Flipkart India. Copy of the reply attached as <u>Annexure-III</u> . It may be kindly noted that no response or clarification was ever received by Flipkart India from CPCB in response to this letter.
17 May, 2019	Revised online application filed by Instakart seeking registration as a brand owner. Copy of the online application attached as <u>Annexure-IV</u> .
24 May, 2019	Letter from CPCB to the applicants seeking registration as brand owners and producers, inviting them for an interactive meeting for deliberation regarding their applications. Copy of the general letter has been attached as <u>Annexure-V</u> .
4 June, 2019	Meeting held at CPCB office in New Delhi which was attended by the representatives of the company to understand the requirements and next steps for registration.



InstaKart Services Private Limited

CIN: U74900KA2015PTC080778

Regd. off: Brigade Manae Court, No.111, Industrial Layout,
Koramangala, Bangalore – 560095

Phone: 080-67988250

12 July, 2019	Letter sent by Instakart to CPCB in furtherance of the meeting held with CPCB on 4 June, 2019 with additional documents to be considered as an addendum to the online application dated 17 May, 2019 filed for registration as brand owner. Copy of the letter has been attached as <u>Annexure-VI</u> .
6 September, 2019	Follow-up letter sent by Instakart to CPCB to check the status of the online application for registration as brand owner. The letter also highlighted the steps undertaken to eliminate single use of plastic. Copy of the letter attached as <u>Annexure-VII</u> .
16 October, 2019	E-mail received from CPCB seeking response to additional queries and clarification on a few issues pertaining to the application for registration as brand owner. Copy of the email from CPCB attached as <u>Annexure-VIII</u> .
13 November, 2019	Notice dated 6 November, 2019 received by the company with reference to O.A. No. 997/2019 pending before the Hon'ble National Green Tribunal, Principal Bench, New Delhi. Copy of the notice of enquiry has been attached as <u>Annexure-IX</u> .
15 November, 2019	Email sent with point-wise reply to the issues raised in the CPCB email dated 16 October, 2019. Copy of the email sent to CPCB attached as <u>Annexure-X</u> .

It may kindly be noted that pursuant to our meeting with CPCB on 4 June, 2019 we had submitted the additional documents and we have also responded to the additional queries thereafter in our email dated 15 November, 2019. Therefore all the details required by CPCB have already been provided by us. Additionally, in our reminder dated 6 September, 2019 we had also highlighted the following additional steps taken by us as a part of our vision to reduce single use of plastic:



InstaKart Services Private Limited

CIN: U74900KA2015PTC080778

Regd. off: Brigade Manae Court, No.111, Industrial Layout,
Koramangala, Bangalore – 560095

Phone: 080-67988250

- (i) Reduced 25% plastic application since 2018 through various reduction initiatives in our packaging value chain.
- (ii) Target of 30% plastic waste collection for 2019, as also submitted in our plan for Extended Producer Responsibility (“EPR”).
- (iii) Steps being undertaken to introduce renewable alternatives and recycled plastic to replace plastic use in packaging.

We would like to reiterate our commitment for ensuring sustainable, eco-friendly practices in our businesses and as mentioned above, steps in this regard have been initiated already. In this light and in light of our application seeking registration as brand owner, we would sincerely request you to expedite our registration process. We would also request you to kindly provide us an opportunity to meet your colleagues and you to explain these further and address any additional queries that you may have in this regard.

Yours faithfully,



Authorised Signatory

Encl: a/a



SPEED-POST

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Registration Certificate for Brand-Owner

(Under Rule-13(2) of the Plastic Waste Management Rules, 2016, as amended 2018)

Regn. No. – B-17011/7/UPC-II-PWM(MLP)/2020(ISPL) 626

Dated: 01/06/2020

M/s. Instakart Services Private Ltd.
Buildings Alyssa, Begonia & Clover,
Embassy Tech Village, Outer Ring Road,
Devarabeesanahalli Village, Bengaluru-560103

With reference to the application dated 06/09/2019 and subsequent communications regarding registration as a Brand-Owner, your application has been processed and found in order. Now, therefore, Central Pollution Control Board is pleased to grant the registration in favour of M/s. Instakart Services Private Ltd. (ISPL), vide registered office address Buildings Alyssa, Begonia & Clover, Embassy Tech Village, Outer Ring Road, Devarabeesanahalli Village, Bengaluru-560103 as a Brand Owner, for disposal of MLP & other plastic waste generated due to their products as per the EPR Action Plan submitted to CPCB.

This certificate of registration shall be valid for a period of one year from the date of issue of the letter unless revoked, suspended or cancelled. The Registration is granted subject to the following terms & conditions: -

1. M/s. ISPL shall establish a system for collecting back the plastic waste or multilayered packagings generated due to their products as per the Action Plan submitted to CPCB.
2. M/s. ISPL should complete 100% collect back system within one year from the date of issue of registration certificate.
3. M/s. ISPL should ensure compliance with provisions of the PWM Rules, 2016, as amended 2018 or with any of the provisions of the Environmental (Protection) Act, 1986 as amended and rules made there under.
4. An application for the renewal of a Registration shall be made at 90 days prior to expire of validity, along with the necessary information & documents as per the Guidelines issued by the MoEF&CC and CPCB from time to time.
5. M/s. ISPL shall ensure that plastic waste is sent to registered recyclers with SPCB/PCC or to cement industries having permission from concerned SPCBs/PCCs for co-processing of plastic waste.

Contd.....2

6. M/s. ISPL is required to submit Quarterly Progress Report (QPR) to CPCB for disposal of Multilayered Packagings/plastic waste in prescribed format (Annexure-II) to CPCB.
7. If at any stage, information provided by the M/s. ISPL is found to be incorrect, then the Registration granted by CPCB shall stand cancelled.
8. M/s. ISPL shall ensure that waste is channelized through agencies which have directly been engaged by ULBs for collection of Plastic Waste.

✓
Dy.
(Authorized Signatory)
Addl. Director & I/c UPC-II

दिव्या सिन्हा/Divya sinha
श्रेणी-क "ई"/Scientist "E"
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जल संधारण विभाग, भारत सरकार
Min. Envt. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर
Parivesh Bhawan, East Arjun Nagar
110032/Delhi-110032

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
दिनांक.....
दिनांक.....

1830/0/2017/20
3/6/20

O/c

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 997/2019
(I.A. No. 01/2020)

(With report dated 16.12.2019)

Aditya Dubey (Minor)

Applicant(s)

Versus

Amazon Retail India Private Limited & Ors.

Respondent(s)

Date of hearing: 29.01.2020

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

For Applicant(s):

Mr. Divya Prakash Pandey with Mr. Pramod Kumar,
Advocates

For Respondent(s):

Mr. Balendu Shekhar, Advocate, Ms. Divya Sinha,
Scientist-F for CPCB**ORDER**

A report was sought from the CPCB with reference excessive use of plastic packaging material by Amazon.in and Flipkart.com in the course of e-marketing in violation of 'Extended Producer Responsibility' under the Plastic Waste Management Rules, 2016.

Accordingly, a report dated 16.12.2019 has been filed to the effect that steps are being taken to enforce the regulatory measures. Response of M/s Amazon Retail India Private Limited and M/s

Flipkart Private Limited has been sought. The recommendations are as follows:

3.0 Recommendations:

- i) *As per provision 9(2) of Plastic Waste Management Rules, 2016 "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."*

M/s Amazon Retail India Private Limited & M/s Flipkart Private limited are involved in packaging & selling of other companies' products and thus introducing plastic packaging in the market. They need to fulfill their extended producer responsibility under PWM Rules and should obtain registration as Brand Owner under PWM Rules after submitting proper documents.

- ii) *Issues related to excessive usage of plastic in packaging is addressed in the matter of OA No. 15/2014 Him Jagriti Uttaranchal Welfare Society Vs Union of India & Ors. Further action in this regard may be taken accordingly.*

Let further steps be taken in terms of the above recommendations and action taken report filed before the next date.

List for further consideration on 20.04.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 29, 2020

Original Application No. 997/2019
(I.A. No. 01/2020)
AK

