

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****I.A. No.204/2025 (WZ) and IA No. 220 of 2025****In****Appeal No. 148/2025**

M/s Shakti Plastic Industries

..... Appellant

Vs

Maharashtra Pollution Control Board & Ors

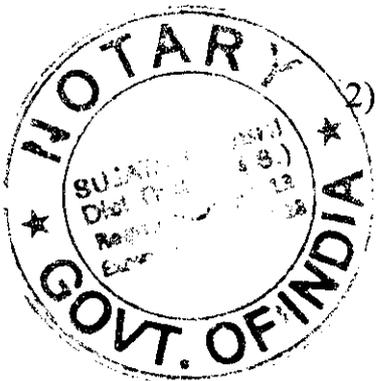
..... Respondents

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,
MAHARASHTRA POLLUTION CONTROL BOARD :-**

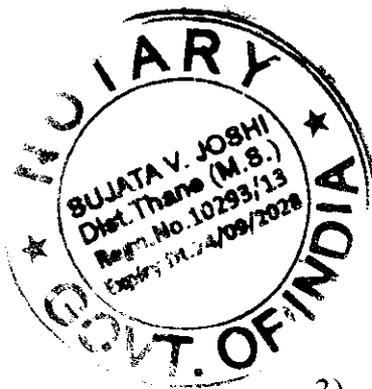
I, Kiran Hasabnis, Aged-Adult, Occupation-Service, the Regional Officer of the Maharashtra Pollution Control Board at Thane i.e. Respondent No.5, having office at Plot No. P 30, 5th Floor, Office Complex Building, Wagle Industrial Estate, Mulund Check Naka, Thane (West) 400604, do hereby solemnly affirm and state as under :

- 1) I am filing this reply to place the relevant documents on record to support the imposition of EDC of Rs.1,37,00,42000/- assessed against the Appellant Industry.

I say and submit that CPCB framed "*Guidelines For Assessment Of Environment Compensation To Be Levied For Violation Of Plastic Waste Management Rules, 2016*" in April 2024, in



compliance of the order dated 10.09.2020 passed by the Hon'ble NGT in O.A. No. 247/2017, framed the regime for levying EC for violation of PWM Rules. As per provision 9.2 of Schedule-II notified through Amendments to PWM Rules dated February 16,2022 "Central Pollution Control Board shall lay down guidelines for imposition and collection of environment compensation (EC) on Producers, Importers & Brand-Owners, recyclers and end of life processors, in case of nonfulfillment of obligations set out in these guidelines, and the same shall be notified. The Guidelines for Environmental Compensation shall be updated, as required". As per provision 18 notified through Amendments to PWM Rules dated July 06, 2022, "*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.*" The EC regime framed has been updated in accordance with Amendments dated August 12, 2021, February 16, 2022 & July 06, 2022 to Plastic waste Management Rules.



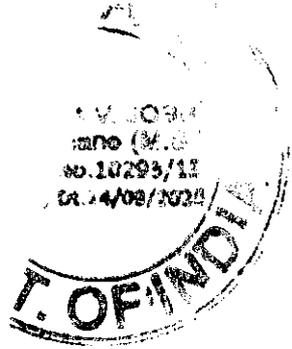
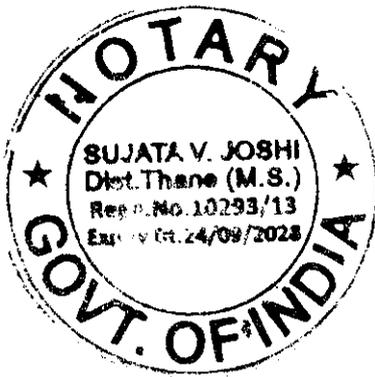
- 3) I say and submit that Environmental Compensation is to be levied for the non-compliance of the provisions of the PWM Rules. As per provisions 12.4, 13.1 (page no.29 & 30 of EC guidelines).

12.4: 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.

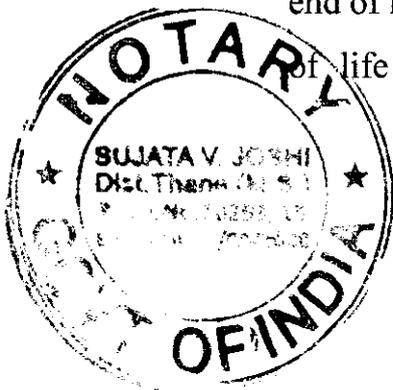
13.1: State Pollution Control Board or Pollution Control Committee by itself or through a designated agency shall verify compliance of Producers, Importers & Brand Owners through inspection and periodic audit, as deemed appropriate, of Producers, Importers & Brand-Owners as well as plastic waste processors in their jurisdiction as per the Plastic Waste Management Rule, 2016.

- 4) For Misreporting in quantity of plastic procured, EPR certificate generated EC to be levied @ Rs. 5000 per Ton of plastic weight misreported (for 2nd time default EC to be levied @ Rs.10000/- per ton and for 3rd time default @ Rs.20000/- per ton).The Appellant Industry has generated EPR credits of 2,74,000 Tons towards service provided for collection, out of which only 11.6 tons generated for grinding activity considering i.e 2.74,000 - 11.6=2,73,988.4 Tons, the EC calculated as $273988.4 * 5000 =$ Rs.136,99.42,000/-.
- 5) I say and submit that as per Schedule II of provisions 10.1, the Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal.



11.4: 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.

- 6) As per the Guidelines of Environment Compensation – April, 2024 at Page No.30, stated that for violation and submission of the False information, Cancellation of Registration & EC of double of Application fees proportionate Penalty up to Rs. 1,00,000/- (For 2nd time default EC of four times the application fees and 3rd time default EC of eight times the application fees).
- 7) Therefore, the total amount of Environmental Compensation of Rs.136,99.42,000/- + Rs.1,00,000/- = 137,00,42,000/- imposed to the appellant industry as per above EC guidelines framed by CPCB and provision of the Plastic Waste Management Rules,2016.
- 8) I say and submit that as per EC guidelines, the said funds collected under environmental compensation shall be kept in a separate Escrow account by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee. The funds collected shall be utilized in collection, recycling and end of life disposal of uncollected and non-recycled or non- end of life disposal of plastic packaging waste, on which the



environmental compensation is levied. Modalities for utilization of the funds for plastic waste management on an annual basis would be recommended by the Committee for Extended Producer Responsibility implementation and approved by the Competent Authority in the Ministry. A copy of the Guidelines of Environment Compensation dated April, 2024 is enclosed herewith and marked as an **Annexure-I**.



Solemnly affirmed on this 28th Day of November, 2025 at Thane.

For and on behalf of Maharashtra Pollution Control Board,

(Kiran Hasabnis)
Regional Officer-Thane

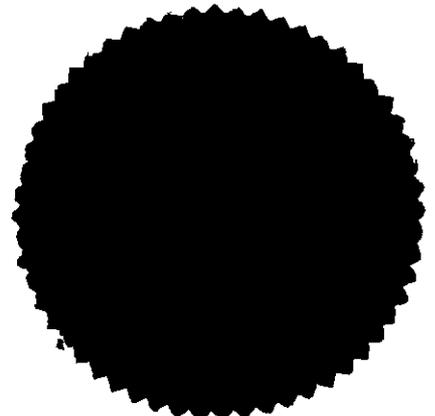
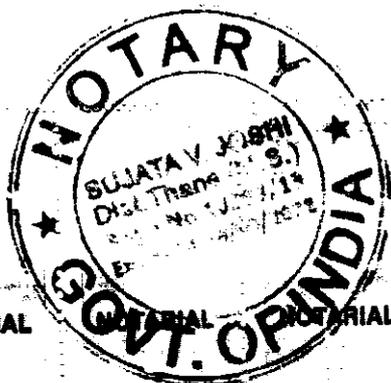
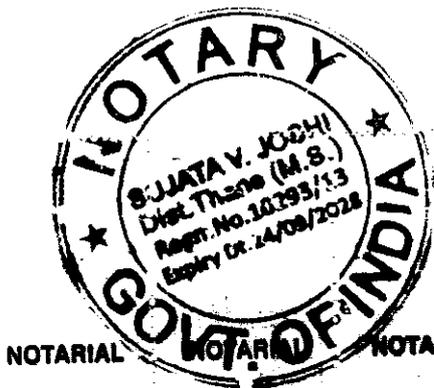
BEFORE ME
NOTARY



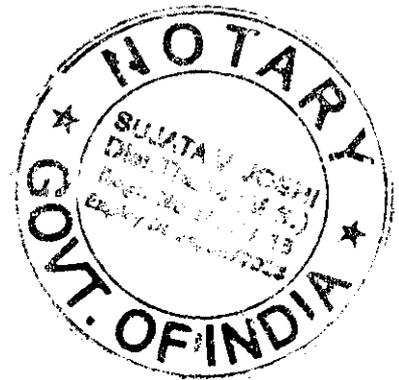
SUJATA V. JOSHI
ADVOCATE & NOTARY
101/102, Vishal Bldg., Prastion Road,
Kaiwadi, Thane-400 605.

NOTED & REGISTERED
Sr. No. 12174/2025

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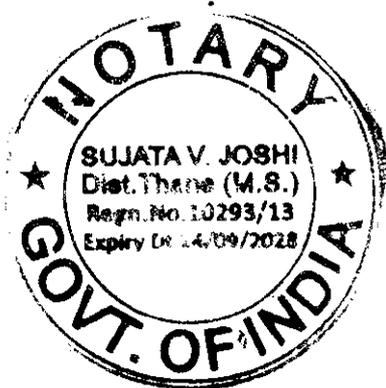
**GUIDELINES FOR ASSESSMENT OF
ENVIRONMENT COMPENSATION TO
BE LEVIED FOR VIOLATION OF
PLASTIC WASTE MANAGEMENT
RULES, 2016**



APRIL, 2024
CENTRAL POLLUTION CONTROL BOARD
DELHI

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1.0 Background

Plastic Waste Management (PWM) is a major problem in India, where urbanisation, industrialisation, and economic growth have resulted in increased plastic waste (PW) generation. The burgeoning population and the improvement in living standards has only compounded this problem. Ministry of Environment, Forests and Climate Change (MoEF&CC) notified Plastic Waste Management Rules, 2011 and revamped the Rules in 2016 to ensure proper plastic waste management in India.

CPCB in compliance of Hon'ble NGT order dated 10.09.20 in O.A. No. 247/2017, framed the regime for levying EC for violation of PWM Rules. Hon'ble NGT vide order dated 08.01.2021 Hon'ble had directed that "*EC and penal action regime proposed by the CPCB may be duly implemented by the CPCB, State PCBs/PCCs, State Level Monitoring Committees and all other concerned authorities*".

Four Amendments to PWM Rules have recently been notified by Mo EF&CC through notification dated August 12,2021 (**Annexure-I**), September 17,2021 (**Annexure-II**), February 16,2022 (**Annexure-III**), & July 06, 2022 (**Annexure-IV**) respectively.

As per provision 9.2 of Schedule-II notified through Amendments to PWM Rules dated February 16,2022 "*Central Pollution Control Board shall lay down guidelines for imposition and collection of environment compensation (EC) on Producers, Importers & Brand-Owners, recyclers and end of life processors, in case of nonfulfillment of obligations set out in these guidelines, and the same shall be notified. The Guidelines for Environmental Compensation shall be updated, as required*".

As per provision 18 notified through Amendments to PWM Rules dated July 06, 2022, "*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.*"

The EC regime framed has been updated in accordance with Amendments dated August 12, 2021, February 16, 2022 & July 06, 2022 to Plastic waste Management Rules. The document details the EC regime to be levied on the violators in accordance with provisions of PWM Rules.

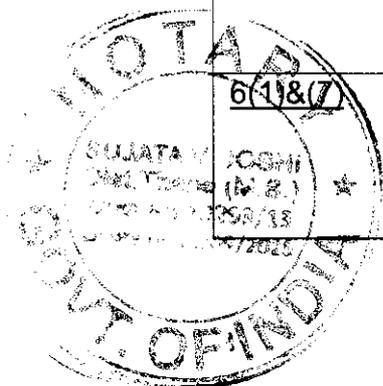
2.0 Provisions of Plastic Waste Management Rules

Environmental Compensation is to be levied for the non-compliance of the following provisions of the PWM Rules, in which frequent non-compliance is observed is given in Table 1.0



Table 1.0: Provision of PWM Rules for which EC is to be levied

Rule	Provisions
4(1)(c)	Carry bag made of virgin or recycled plastic, shall not be less than seventy-five microns in thickness with effect from the 30th September, 2021 and one hundred twenty (120) microns in thickness with effect from the 31st December, 2022.
4(1)(d)	Plastic sheet or like, which is not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty microns in thickness except as specified by the Central Government where the thickness of such plastic sheets impair the functionality of the product.
4(1)(e)	The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the concerned State Pollution Control Boards or Pollution Control Committee.
4(1)(f)	Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala.
4(1)(h)	The manufacturers of compostable plastic and biodegradable plastics carrybags or commodities or both shall obtain a certificate from the Central Pollution Control Board before marketing or selling.
4(1)(i)	Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms.
4(1)(j)	Non-woven plastic carry bag shall not be less than 60 Gram Per Square Meter (GSM).
4(2)	Manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited: (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.
6(1)&(7)	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.



Rule	Provisions
6(2)(a)&7(1)(a)	Ensuring segregation, collection, storage, transportation, plastic waste and channelization of recyclable plastic waste fraction to recyclers having valid registration; ensuring that no damage is caused to the environment during this process; and ensuring that open burning of plastic waste does not take place.
6(2)(g)&7(c)	Ensuring that open burning of plastic waste does not take place.
6(4)	The local body to frame bye-laws incorporating the provisions of these rules.
8(1)(a)	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source.
8(1)(b)	The waste generator shall not litter the plastic waste.
10(5)	As a transitory measure, provisional certificate for biodegradable plastics, shall be issued by the Central Pollution Control Board, in cases, where an interim test report is submitted, for an on-going test, which covers the first component of the IS 17899 T:2022 relating to biodegradability given at Sl. No. (i) or Sl. No. (ii) of Table 1 or Sl. No. (i) of Table 2 of the IS 17899 T:2022:
10(6)	<p>The interim test report shall be obtained from the Central Institute of Petrochemical Engineering and Technology or a laboratory recognised under the Laboratory Recognition Scheme, 2020, of the Bureau of Indian Standards or laboratories accredited for this purpose by the National Accreditation Board for Testing and Calibration Laboratories, and they shall certify the biodegradation of plastic is in line with IS 17899 T:2022.</p> <p>Provided that where testing of biodegradable plastic had commenced prior to the registration of a laboratory, and the report is in conformity with IS 17899 T:2022, the Central Pollution Control Board shall ask the applicant for re-testing and permit the production or usage of such biodegradable plastic, till the period the test report is received from duly recognized laboratory subject to furnishing of bank guarantee equal to the amount of Environment Compensation leviable under rule 18:</p> <p>Provided further that the bank guarantee shall be forfeited if the result of such test does not conform to IS 17899 T:2022.</p>



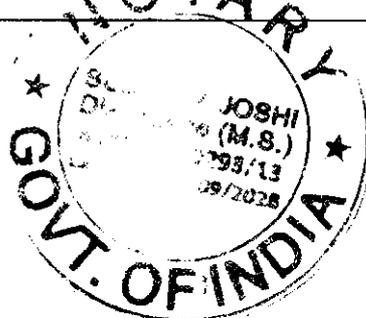
Rule	Provisions
<u>11(1)</u>	<p>Name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging:</p> <p>Provided that this provision shall not be applicable, - for plastic packaging used for imported goods: for cases falling under rule 26 of the Legal Metrology Packaged Commodities Rules, 2011, after the approval of the Central Pollution Control Board: for cases where it is technically not feasible to print the requisite information mandated under this Rule, as per specifications given in the —Guidelines for use of Standard Mark and labelling requirements under BIS Compulsory Registration Scheme for Electronic and IT Products after the approval of the Central Pollution Control Board; name and registration number of the producer or brand owner in case of multi-layered packaging, excluding multi-layered packaging used for imported goods: and name and certificate number of producer [Rule 4(h)] in case of carry bags made from compostable plastic. the importer or producer or brand owner of imported carry bags or multi-layered packaging or plastic packaging, alone or along with the products shall adhere to clause (a) and (b)</p>
<u>13(1)&13(2)</u>	<p>(1) No person shall manufacture carry bags or recycle plastic bags or multi-layered packaging unless the person has obtained registration from, - (i) the concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating in one or two states or Union territories; or (ii) the Central Pollution Control Board, if operating in more than two States or Union territories.</p> <p>(2) Every producer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application as per the guidelines specified in Schedule -II in Form-I (ANNEXURE-III) to:</p> <ol style="list-style-type: none"> 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".



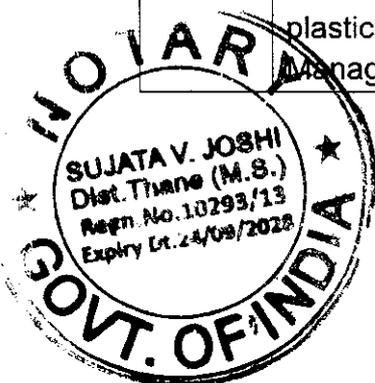
Rule	Provisions
<u>13(3)</u>	Every person recycling or processing waste or proposing to recycle or process plastic waste shall make an application to the State Pollution Control Board or the Pollution Control Committee, for grant of registration or renewal of registration for the recycling unit, in Form II as per the guidelines specified in Schedule –II (ANNEXURE-III).
<u>13(4)</u>	Every manufacturer engaged in manufacturer of plastic to be used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, for the grant of registration or for the renewal of registration, in Form III.
<u>14(1)</u>	Retailers or street vendors shall not sell or provide commodities to consumer in carry bags or plastic sheet or multi-layered packaging, which are not manufactured and labelled or marked, as per prescribed under these rules.
<u>17(1)</u>	Every person engaged in recycling or processing of plastic waste shall prepare and submit an annual report in Form-IV to the local body concerned under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th April, of every year.
<u>17(2)</u>	Every local body shall prepare and submit an annual report in Form –V to the concerned Secretary-in-charge of the Urban Development Department under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th June, every year.
<u>17(3)</u>	Each State Pollution Control Board or Pollution Control Committee shall prepare and submit an annual report in Form VI to the CPCB on the implementation of these rules by the 31st July, of every year.

Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging

<u>9.1</u>	Environmental Compensation shall be levied based upon polluter pays principle, with respect to nonfulfillment of Extended Producer Responsibility targets by Producers, Importers & Brand Owners.
<u>10.1</u>	The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal.



10.6	The Producers, Importers & Brand-Owners shall file annual returns on the plastic packaging waste collected and processed towards fulfilling obligations under Extended Producer Responsibility with the Central Pollution Control Board or concerned State Pollution Control Board or Pollution Control Committee as per pro forma prescribed by Central Pollution Control Board by the 30th June of the next financial year.
11.1	All plastic waste processors shall have to register with concerned State Pollution Control Board or Pollution Control Committee in accordance with provision 13(3) of Plastic Waste Management Rules, 2016 on the centralized portal developed by Central Pollution Control Board.
11.2	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.
11.4	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.
11.6	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.
11.8	The Plastic Waste Processors undertaking end-of-life disposal of plastic packaging waste viz. waste to energy, waste to oil, cement kilns (co processing) shall provide information on an annual basis as per prescribed pro forma, on the centralized portal developed by Central Pollution Control Board. These entities shall ensure the disposal of plastic packaging waste as per relevant rules, guidelines framed by regulatory bodies in an environmentally sound manner.
12.4	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.
13.1	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.



Assessment of Environmental Compensation to be levied for violation of the remaining sections of the PWM Rules shall be done on case-to-case basis.

3.0 Approach for Assessment of Environment compensation

Assessment of cost incurred in plastic waste management has been made based on the inputs provided by various local bodies. The cost incurred on management of plastic waste management shall essentially be divided into the following components:

- i. **Collection & Transportation of Plastic waste:** Average cost incurred for collection and transportation of solid waste is Rs.2000/- per ton of waste.
- ii. **Setting up of Material Recovery Facility (MRF):** Average cost of setting up of Material Recovery of 100 TPD plastic is Rs. 7 crores. Accordingly, corresponding cost for setting up of 1 TPD plant is Rs.7 lakh. Considering 15 years life of the plant – cost incurred for setting up of MRF Rs.150/- per ton of plastic waste.
- iii. **Setting up of RDF facility:** Average cost of setting up of Refused Derived Fuel of 100 TPD capacity is Rs. 12.5 crore. Accordingly, corresponding cost for setting up of 1 TPD plant is Rs.12.5 lakh. Considering 15 years life of the plant – cost incurred for setting up of RDF for is Rs.270/- per ton of plastic waste.
- iv. **O&M Cost of RDF facility:** Operational cost of RDF is Rs. 1200/- per Ton and Transportation cost is Rs. 300/- per ton of plastic waste.

Based on the above assessment cost incurred on management of one ton of plastic waste is approximately Rs.4000/- per ton. As per PWM Rules entrusts the responsibility of development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste on the Local bodies as well as the Producers/Brandowners, the cost to be incurred on PWM shall be distributed equally (i.e., Rs.2000/- per ton of plastic waste on Local bodies & Rs.2000/- per ton of plastic waste on Producers) for the purpose of assessment of Environmental Compensation.

4.0 Action to be Taken for Non- Compliance of PWM Rules

(a) EC Assessment & Penal Action

Details of Environmental Compensation to be levied and the penal action to be taken for non-compliance of PWM Rules, along with the nature of violation and the violator (concerned person/organization), is given in **TABLE 2.0**.



TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	Provisions	Violator	Violation	Environmental compensation
4 (c) & 4(j)	(c) Carry bag made of virgin or recycled plastic, shall not be less than seventyfive microns in thickness with effect from the 30th September, 2021 and one hundred twenty (120) microns in thickness with effect from the 31st December, 2022; (j) non-woven plastic carry bag shall not be less than 60 Gram Per Square Meter (GSM)	Producer	Manufacturing bags not meeting specifications	i. Seizure of manufactured products & closure of unit EC to be levied @ Rs.5000/- per ton of plastic bags manufactured from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.10000/- per ton for 2 nd violation and @ Rs.20000/- per ton for 3 rd violation) iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023 as applicable.
4 (d)	Plastic sheet or like, which is not an integral part of multi-layered packaging and cover made of plastic sheet used for packaging, wrapping the commodity shall not be less than fifty	Producer	Manufacturing sheets not meeting specifications	i. Seizure of manufactured products & closure of Unit EC to be levied @ Rs.5000/- per ton of packaging products from the date of inception of the unit or date of notification

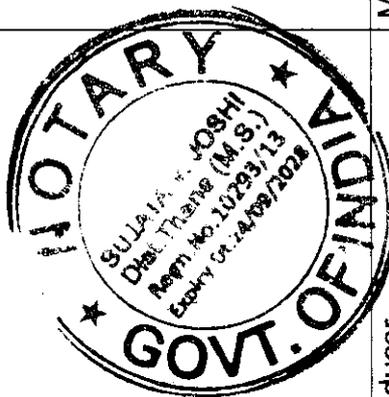
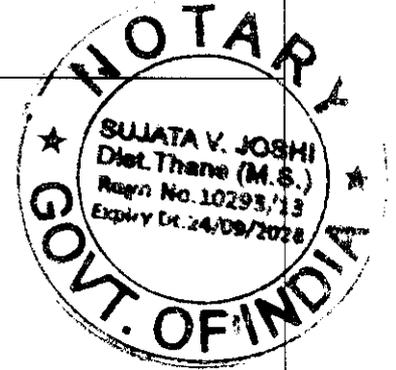


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES

Rule	Provisions	Violator	Violation	Environmental compensation
4(f) & 4(l)	<p>microns in thickness except as specified by the Central Government where the thickness of such plastic sheets impair the functionality of the product.</p> <p>(f) Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala;</p> <p>(l) Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms.</p>	Producer	Using plastic material for packaging	<p>of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p> <p>iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable</p> <p>i. Seizure of products & closure of Unit</p> <p>ii. EC to be levied @ Rs.5000/- per ton of plastic used in packaging of tobacco products from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later (EC to be levied @ Rs.10000/- per ton for 2nd violation and @</p>



Rule	Provisions	Violator	Violation	Environmental compensation
4(h)	The manufacturers or seller of compostable plastic and biodegradable plastics carrybags or commodities or both shall obtain a certificate from the Central Pollution Control Board before marketing or selling; and	Manufacturer	Certificate not obtained	Rs.20000/- per ton for 3rd violation) Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable time
				EC to be levied @ Rs.5000/- per ton of compostable and biodegradable plastic produced from the date of inception of the unit or date of notifications of PWM Rules (March 18, 2016 and July 06,2022 respectively) whichever is later
			Not complying with conditions specified in Certificate issued by CPCB	i. Cancellation of CPCB Certificate and closure of Unit <i>(In case the violation is found w.r.t raw material used/ product manufactured, EC to be levied as per violation of Rule 13(2).</i>

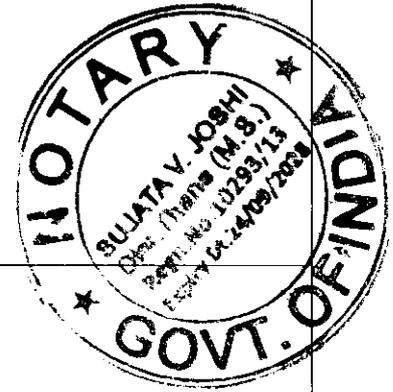


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES			
Rule	Provisions	Violator	Violation
		 <p>NOTARY SRIJATA V. JOSHI Notary (M.S.) Reg. No. 10000000000000 Exp. 31/03/2024</p>	<p><u>Penalty for non-compliance of remaining condition shall be taken in accordance with relevant section of the PWM Rules)</u></p> <p>ii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable</p> <p>iii. EC to be levied @ Rs.5000/- per ton of compostable and biodegradable plastic produced for the period of violation or from the date of issue of certificate under 4(h) PWM Rules. (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)</p>

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	Provisions	Violator	Violation	Environmental compensation
4(2) & 14(1)	4(2) Manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited. (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 14(1) Retailers or street vendors shall not sell or provide commodities to	Producer	Production of prohibited SUP items	i. EC to be levied @ Rs.5000/- per ton of plastic SUP items produced from the date of inception of the unit or July 01,2022 whichever is later. (EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation) ii. Revocation of Consent
		Stockist/distributors	Stocking and distribution of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM Rules	i. Seizure of SUP products or bags/sheets ii. Cancellation of Commercial licence by concerned Local Authority. iii. Fine Rs.2000/- (I violation); Rs.5000/- (II violation); Rs.10,000/- (Third incident) Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to

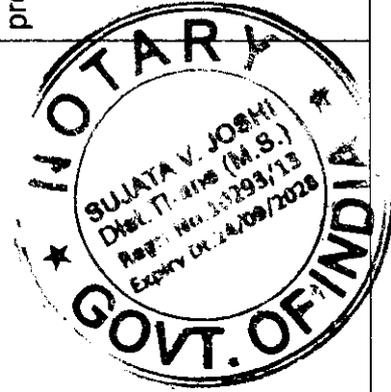


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES

Rule	Provisions	Violator	Violation	Environmental compensation
	consumer in carry bags or plastic sheet or multi-layered packaging, which are not manufactured and labelled or marked, as per prescribed under these rules	Importer	Import of prohibited SUP items	<i>continue doing so, if the fines are more than the minimum specified fines as per details given above</i>
		Importer	i. Seizure of imported SUP products ii. Cancellation of Registration Certificate by Custom Authorities. iii. Fine Rs.2000/- (I violation); Rs.5000/- (II violation); Rs.10,000/- (Third incident)	
		Commercial establishments	i. Seizure of SUP products or bags/sheets ii. Cancellation of Commercial licence by concerned Local Authority. iii. Fine Rs.2000/- (I violation); Rs.5000/- (II violation); Rs.10,000/- (Third incident)	

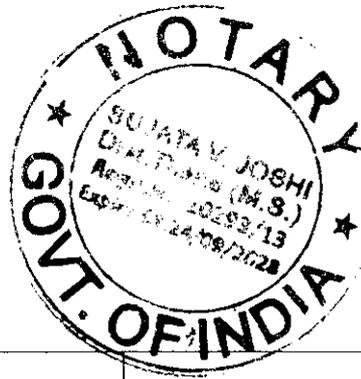


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES

Rule	Provisions	Violator	Violation	Environmental compensation
		Street vendor	Selling of prohibited SUP items or Selling products in plastic bags which are not complying with provisions of PWM Rules	<p>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</p> <p>Street vendor: Seizure of banned SUP items or bags/sheets ; Fine Rs.200/- (I violation); Rs.500/- (II violation) ; Rs.1000/- (Third incident & seizure of trade documents for violation thereafter.)</p> <p>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above-</p>

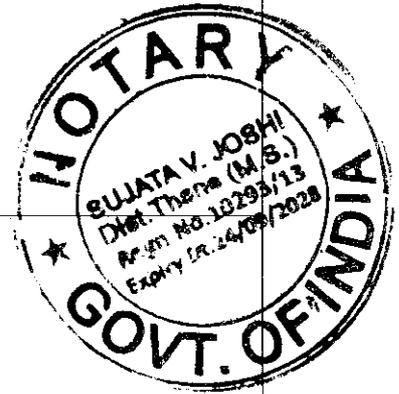


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES

Rule	Provisions	Violator	Violation	Environmental compensation
6(1) & (7); 6(2)(a) & 7(a)	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. Ensuring segregation, collection, storage, transportation, plastic waste and channelization of recyclable plastic waste fraction to recyclers having valid registration; ensuring that no damage is caused to the environment during this process; and ensuring that open burning of plastic waste does not take place.	Municipal Commissioner, Village Panchayat,	Adequate facilities for plastic waste management (PWM) not provided	i. EC to be levied @ Rs.5000/-per ton of plastic waste. EC to be levied for mismanagement in the PW qty w.e.f March 18, 2016-date of notification of these Rules) ii. EC to be levied @ Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation) Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
6(2)(g) & 7 (c)	Ensuring that open burning of plastic waste does not take place	Person responsible for plastic burning Industries	Burning plastic	i. Fine per incident of burning: Rs.5000/-

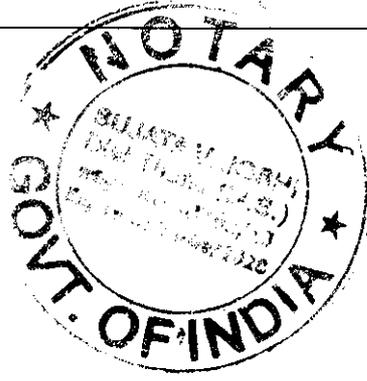


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES			
Rule	Provisions	Violator	Violation
			<p>ii. Fine per incident of bulk burning Rs.25000/-</p> <p>Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</p> <p>Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable</p>
6(4)	The local body to frame bye-laws incorporating the provisions of these rules.	Local body	Not framing bye-laws
8(1)(a)	The waste generator shall take steps to minimize generation of plastic waste and segregate plastic waste at source	Waste generator	Waste not segregated
			<p>iii. Waste generator: <u>Spot fine</u></p> <p>- <u>Rs.500/- (I violation);</u></p> <p><u>Rs.1000/- (II violation);</u></p> <p><u>Rs.2,000/- (Third violation & thereafter)</u></p> <p>iv. <u>Institutional Waste Generator: Spot fine</u></p> <p><u>Rs.5000/- (I violation);</u></p>



TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES

Rule	Provisions	Violator	Violation	Environmental compensation
				<p><u>Rs.10,000/- (II violation);</u> <u>Rs.20,000/- (Third violation & thereafter)</u></p> <p>Above is <i>minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above</i></p>
8(1)(b)	The waste generator shall Not litter the plastic waste	Waste generator	Waste littered	<p>iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable</p> <p>i. Waste generator: Spot fine - Rs.500/- (I violation); Rs.1000/- (II violation); Rs.2,000/- (Third violation & thereafter)</p> <p>ii. Institutional Waste Generator: Spot fine Rs.5000/- (I violation); Rs.10,000/- (II violation);</p>

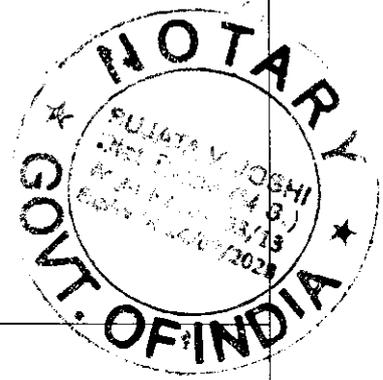


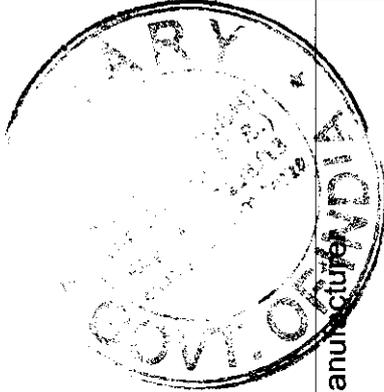
TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES				
Rule	Provisions	Violator	Violation	Environmental compensation
				Rs.20,000/- (Third violation & thereafter)
				Above is minimum EC to be levied for the said violation by the Local body. Local already imposing fine to continue doing so; if the fines are more than the minimum specified fines as per details given above
				iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
10(6)	The interim test report shall be obtained from the Central Institute of Petrochemical Engineering and Technology or a laboratory recognised under the Laboratory Recognition Scheme, 2020, of the	Manufacturer 	Failure of final testing of the sample as per IS:17899 T:2022	To be determined after finalization of standards for biodegradable plastic by BIS. Until then, EC will be assessed on a case-by-case basis, similar to other plastic categories.

TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES			
Rule	Provisions	Violator	Violation
	<p>Bureau of Indian Standards or laboratories accredited for this purpose by the National Accreditation Board for Testing and Calibration Laboratories, and they shall certify the bio-degradation of plastic is in line with IS 17899 T:2022.</p> <p>“Provided that where testing of biodegradable plastic had commenced prior to the registration of a laboratory, and the report is in conformity with IS 17899 T:2022, the Central Pollution Control Board shall ask the applicant for re-testing and permit the production or usage of such biodegradable plastic, till the period the test report is received from duly recognized laboratory subject to furnishing of bank</p>		<p>Environmental compensation</p>



TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES			
Rule	Provisions	Violator	Violation
	<p>guarantee equal to the amount of Environment Compensation leviable under rule 18:</p> <p>Provided further that the bank guarantee shall be forfeited if the result of such test does not conform to IS 17899 T:2022."</p>		
11(1)	<p>Marking or labelling. -(1)</p> <p>Each plastic carrybag "plastic packaging" and multi-layered packaging shall have the following information printed in English namely, -</p> <p>a. name, registration number of the producer or brand owner and thickness in case of carry bag and plastic packaging.</p> <p>b. name and registration number of the manufacturer</p>	Manufacturer/Producer/Brand owner	<p>i. Cancellation of Registration/CPCB certificate.</p> <p>ii. <u>Fine Rs.2000/- (I violation);</u> <u>Rs.5000/- (II violation) ;</u> <u>Rs.10,000/- (Third incident)</u>)</p>

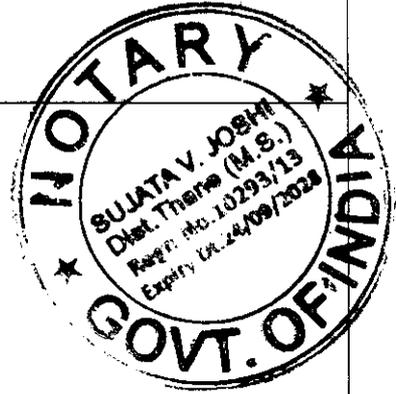


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES			
Rule	Provisions	Violator	Violation
	<p>producer or brand owner in case of multi-layered packaging, excluding multi-layered packaging used for imported goods: and</p> <p>c. name and certificate number of producers [Rule 4(h)] in case of carry bags made from compostable plastic</p> <p>d. the importer or producer or brand owner of imported carry bags or multi-layered packaging or plastic packaging, alone or along with the products shall adhere to clause (a) and (b).</p>		
13 (2)	<p>Every producer or Importer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application as per the guidelines specified in Schedule -II in Form-I to</p>	<p>Producer, Brand Owner & Importers</p>	<p>Registration not obtained</p> <p>Shortfall in EPR Target</p> <p>Misreporting in quantity of plastic packaging placed on market and use of recycled plastics</p> <p>Not filling Annual returns</p>
			<p>i. EC to be levied as per EC provision for Schedule-II</p>

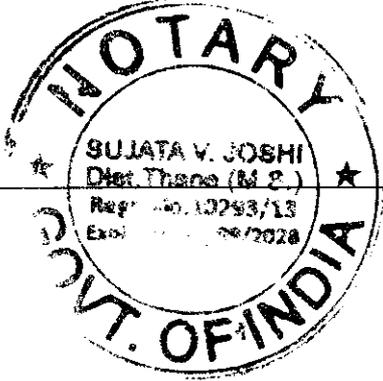


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES

Rule	Provisions	Violator	Violation	Environmental compensation
13(4) & 4(e)	Every manufacturer engaged in manufacturer of plastic to be used as raw material by the producer shall make an application to the State Pollution Control Board or the Pollution Control Committee of the Union territory concerned, for the grant of registration or for the renewal of registration, in Form III.	Manufacturer	Unit operating without Registration	i. Closure of unit EC to be levied @ <u>Rs.2500/- per ton of plastic raw material manufactured from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later</u> ii. (EC to be levied @ <u>Rs.5000/- per ton for 2nd violation and @ Rs.10000/- per ton for 3rd violation & violation thereafter</u>) iii. Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable
	4(e) The manufacturer shall not sell or provide or arrange plastic to be used as raw material to a producer, not having valid registration from the	Manufacturer	Raw material sold to producers not having registration from SPCB	i. EC to be levied @ <u>Rs.2500/- per ton of plastic raw material sold to unregistered producers from the date of notification of PWM Rules (March 18,</u>

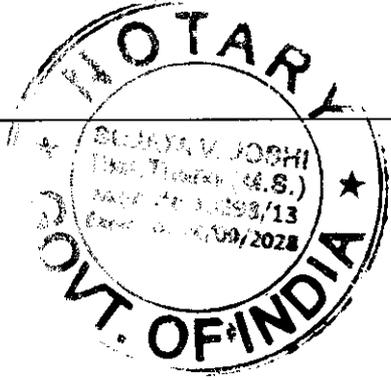
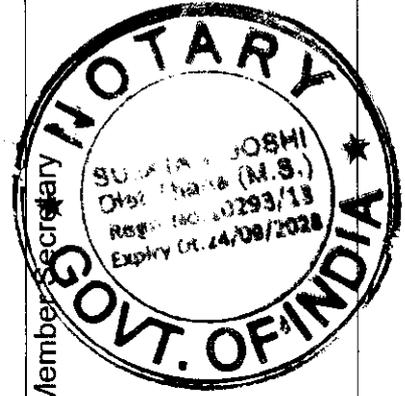
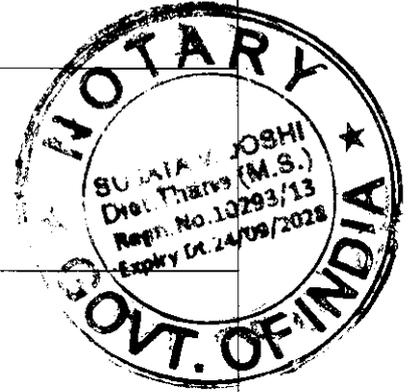


TABLE 2.0: DETAILS OF EC TO BE LEVIED & PENAL ACTION TO BE TAKEN FOR NON-COMPLIANCE OF PWM RULES			
Rule	Provisions	Violator	Violation
	concerned State Pollution Control Boards or Pollution Control Committee;		
			Environmental compensation <u>2016</u> whichever is later (EC to be levied @ Rs.5000/- per ton for 2 nd violation and @ Rs.10000/- per ton for 3 rd violation & Closure of unit thereafter)
17(2)	Every local body shall prepare and submit an annual report in Form -V to the concerned Secretary-in-charge of the Urban Development Department under intimation to the concerned State Pollution Control Board or Pollution Control Committee by the 30th June, every year;	Municipal Commissioner	Non submission/incomplete information for Annual report with in stipulated time frame
17(3)	Each State Pollution Control Board or Pollution Control Committee shall prepare and submit an annual report in Form VI to the CPCB on the implementation of these rules by the 31st July, of every year; and	Member Secretary	Non-submission/incomplete information for Annual report with in stipulated time frame
			Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable.
			Penalty as per Section 15 of EPA 1986 / The Jan Vishwas (Amendment of Provisions) Act, 2023as applicable.



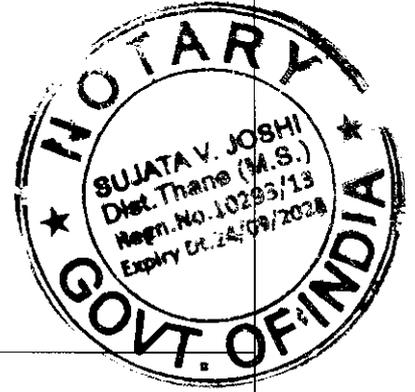
Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging			
Provisions	Violator	Violation	Environmental compensation
<p>Producer Responsibility with the Central Pollution Control Board or concerned State Pollution Control Board or Pollution Control Committee as per pro forma prescribed by Central Pollution Control Board by the 30th June of the next financial year</p>			<p>5 days (Rs.10000/- for 2nd time default and Rs.20000/- for 3rd time default)</p> <p>iii. Rs.10,000/- as EC shall be levied for next 10 days (Rs.20000/- for 2nd time default and Rs.40000/- for 3rd time default)</p> <p>iv. Thereafter Annual Report to be Auto filed on the EPR Portal and EC to be levied on shortfall in fulfilling EPR target, if any.</p> <p>If due to force majeure conditions, the PIBOs are not able to file Annual Report during the aforementioned (Point i-iv) period of 20 days after the last date of AR filing, then the final decision regarding levying of EC shall be taken by the Committee constituted by CPCB for the purpose.</p>



Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging											
Provisions	Violator	Violation	Environmental compensation								
11.2	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.	Plastic Waste Processors Annual returns not filed	<p>i. Notice will be issued for 5 days after the last date of AR Filing;</p> <p>ii. Thereafter EC @ Rs. 200/- per day for next 15 days and @ Rs. 400/- per day for the next 10 days shall be levied</p> <p>iii. Thereafter Annual Report shall be Auto filed on the EPR Portal. EC shall be submitted at the time of renewal of Consent to the concerned State Board for late filing of Annual Return in such cases as per slabs as given below:</p> <table border="1"> <thead> <tr> <th>Plant Capacity (TPA)</th> <th>EC to be levied</th> </tr> </thead> <tbody> <tr> <td><200 TPA</td> <td>5,000</td> </tr> <tr> <td>200-2000 TPA</td> <td>20,000</td> </tr> <tr> <td>> 2000 TPA</td> <td>50,000</td> </tr> </tbody> </table>	Plant Capacity (TPA)	EC to be levied	<200 TPA	5,000	200-2000 TPA	20,000	> 2000 TPA	50,000
Plant Capacity (TPA)	EC to be levied										
<200 TPA	5,000										
200-2000 TPA	20,000										
> 2000 TPA	50,000										



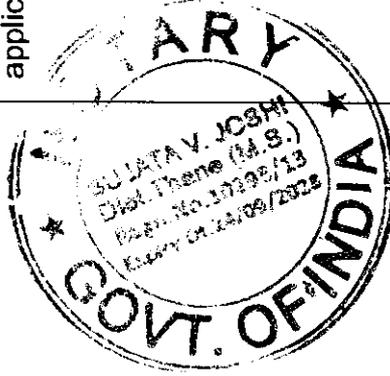
Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging			
Provisions	Violator	Violation	Environmental compensation
12.4, 13.1 & 11.6	Producers, Importers & Brand Owners	Misreporting in quantity of plastic packaging placed on market and use of recycled plastics	iv. If due to force majeure conditions, the PWWs are not able to file Annual Report during the period of 30 days after the last date of AR filing, then the final decision regarding levying of EC shall be taken by the Committee constituted by CPCB for the purpose. Increased EPR target and EC proportional to the Penalty up to Rs 1,00,000/- (For 1 st default -EC of double of application fees, for 2 nd time default -EC of four times the application fees and 3 rd time default -EC of eight times the application fees)



Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging			
Provisions	Violator	Violation	Environmental compensation
<p>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</p> <p>11.6: 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.</p>	Plastic Waste Processors	Misreporting in quantity of plastic procured, EPR certificate generated	EC to be levied @ Rs. 5000/T of plastic weight misreported (for 2nd time default EC to be levied @ Rs.10000/- per ton and for 3rd time default @ Rs.20000/- per ton)



Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging			
Provisions	Violator	Violation	Environmental compensation
10.1 & 11.4	Producers, Importers, Brand Owners, Plastic Waste Processors	Submission of False & Information	Cancellation of Registration and & EC of double of Application fees proportionate Penalty up to Rs. 1,00,000/- (For 2 nd time default EC of four times the application fees and 3 rd time default EC of eight times the application fees)
10.1: The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal. 11.4: 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			EC to be levied @ Rs.5000/- per ton of plastic produced from the date of inception of the unit or date of notification of PWM Rules (March 18, 2016) whichever is later
		Do not get registered on Centralized Portal	



Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	Provisions	Violator	Violation	Environmental compensation
10.1 & 11.1	10.1: The Producers, Importers & Brand-Owners shall have to register through the online centralized portal developed by Central Pollution Control Board. The certificate of registration shall be issued using the portal.	Producers, Importers & Brand Owners Plastic Waste Processors	Non-compliance of conditions stipulated in Certificate	Cancellation of Registration (EC to be levied @Rs.10000/- per ton for 2nd violation and @ Rs.20000/- per ton for 3rd violation)
11.8	11.1: All plastic waste processors shall have to register with concerned State Pollution Control Board or Pollution Control Committee in accordance with provision 13(3) of Plastic Waste Management Rules, 2016 on the centralized portal developed by Central Pollution Control Board. The Plastic Waste Processors undertaking end-of-life disposal of plastic packaging waste viz. waste to energy, waste to oil, cement kilns	Plastic Waste Processors & Producers	Non-compliance of Environmental Norms	EC to be levied based on "Report of the CPCB In-house Committee on Methodology for Assessing Environmental



Schedule-II of PWM Rules: Guidelines on Extended Producer Responsibility (EPR) for Plastic Packaging				
Provisions	Provisions	Violator	Violation	Environmental compensation
	(co processing) shall provide information on an annual basis as per prescribed pro forma, on the centralized portal developed by Central Pollution Control Board. These entities shall ensure the disposal of plastic packaging waste as per relevant rules, guidelines framed by regulatory bodies in an environmentally sound manner			Compensation and Action Plan to Utilize the Fund" (Annexure-V)



(b) Minimum & Maximum Amount of EC to be levied

The minimum and maximum value of EC to be levied for violation of specific provisions of Rules (Refer Table 2 above) is given in Table 3.0. The above values have been assessed based on the estimated range of plastic waste and the minimum (20% for Producers/Brand owners/ Local bodies) & maximum estimated percentage violation (100% for all categories) for the different category of violators.

TABLE 3.0: Minimum & Maximum EC for violation of PWM Rules					
Rule	Violator	Min Population	Max Population	Minimum EC (Rs. per Annum)	Maximum EC (Rs. per Annum)
6(1) & 7	Village Panchayat	1000(avg.)	-	5,000	50,000
	Cities & Towns	5000	99999	50,000	2 crores
	Cities & Towns	100000	999999	5 lakhs	10 crores
	Cities & Towns	>1000000	-	50 lakhs	1000 crore
Rule	Violator	Min Capacity (TPA)	Max Capacity (TPA)	Minimum EC value (Rs. per annum) (At first time violation)	Maximum EC value (Rs. per annum) (At third time violation)
4 (c), 4 (d), 4(f), 4(i), 13(2), 13(3)	Producer, Brand Owner, Importer & Plastic waste Processors	50	100000	0.05	200
13 (4) & 4(e)	Manufacturer	60000	4500000	2 crores	500 crores

5.0 EC charges for Delay in EC deposition

The Environmental Compensation Charges and Financial Penalty shall be deposited by the violating facility within the stipulated time period specified under directions issued by CPCB/SPCB/PCC. In case, such facility does not submit the same within the stipulated time frame the amount will be exponentially increased as per details given in **Table 4.0**.



Table 4.0: EC Charges and Financial Penalty w.r.t. non-timely submission

Sl. No.	Amount Deposition time period	Environmental Compensation and Financial Penalty Amount
1.	<u>Within one month</u> from the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 12% per annum for number of days delayed after the stipulated date of amount deposition
2.	<u>After one month but within 03 months</u> after the stipulated time period as directed by CPCB/SPCB/PCC	Original amount with interest @ 24% per annum for number of days delayed after one month of the stipulated date of amount deposition
3.	<u>After 03 months</u>	<ul style="list-style-type: none"> a. <u>Closure of unit/facility</u> b. <u>Seizure of trade documents</u> c. <u>Action as per Section 15 (1) of EPA</u> <u>Action, as applicable, to be taken by Local bodies for Clause 8(1)(a), 8(1)(b) and 14(1) and for the remaining clauses action has to be taken by the concerned SPCB/ PCC/ CPCB</u>

6.0 Modalities for Expenditure of EC funds

As per provision 9.6 of Schedule-II notified through Amendments to PWM Rules dated February 16, 2022, "The funds collected under environmental compensation shall be kept in a separate Escrow account by Central Pollution Control Board or State Pollution Control Board or Pollution Control Committee. The funds collected shall be utilized in collection, recycling and end of life disposal of uncollected and non-recycled or non- end of life disposal of plastic packaging waste, on which the environmental compensation is levied. Modalities for utilization of the funds for plastic waste management on an annual basis would be recommended by the Committee for Extended Producer Responsibility implementation and approved by the Competent Authority in the Ministry".