

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH SITTING AT NEW DELHI
ORIGINAL APPLICATION NO. 164/2025

IN THE MATTER OF:

HARYALI WELFARE SOCIETY

....APPLICANT

VERSUS

MS. FLIPKART LOGISTICS PRIVATE LIMITED

& ORS.

....RESPONDENTS

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Harsh Gursahani

Through

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Date: 09.04.2026

Place: New Delhi



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH SITTING AT NEW DELHI
ORIGINAL APPLICATION NO. 164/2025

IN THE MATTER OF:

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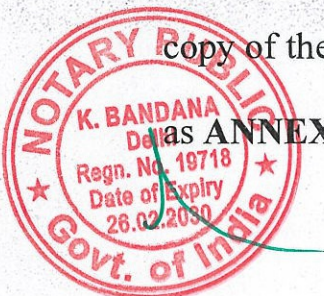
....RESPONDENTS

**SUR-REJOINDER FILED ON BEHALF OF AMAZON SELLER
SERVICES PVT. LTD. / RESPONDENT NO.2 IN RESPONSE TO THE
APPLICANT'S REJOINDER DATED 03.02.2026**

MOST RESPECTFULLY SHOWETH

1. That the present Sur-Rejoinder is being filed on behalf of Amazon Seller Services Private Limited (hereinafter referred to as "ASSPL/ Respondent No. 2") through Ms. Richa Bakshi authorized signatory of ASSPL by virtue of Board Resolution dated 21.02.2023 in response to the Applicant's Rejoinder dated 03.02.2026 ("Rejoinder") to the Respondent No. 2's Reply to the Original Application filed on 18.09.2025 ("ASSPL's Reply"). This Hon'ble Tribunal had granted the Answering Respondent liberty to file the present sur-rejoinder *vide* Order dated 04.02.2026 passed in the present proceedings. A copy of the board Resolution dated 21.02.2023 marked and annexed herewith

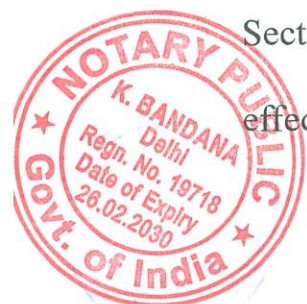
as ANNEXURE R-2/1.



2. At the outset, the Respondent No.2 wholly and expressly denies all the allegations, contentions and submissions levelled against the Respondent No.2 in the Rejoinder as if the same have been traversed in seriatim. Nothing stated herein may be deemed to have been admitted by the Respondent No.2, unless specifically admitted hereinafter. It is further submitted that the contents of the Respondent No.2's Reply shall be read as part and parcel of the present sur-rejoinder and are not being repeated herein for the sake of brevity.

3. It is reiterated that the Respondent No.2 acts as a third-party facilitator for transactions between buyers and sellers, and would be considered as an intermediary as per the definition of intermediary mentioned in Section 2(w) of the Information and Technology Act, 2001 ("IT Act"). In view of the same, the Respondent No. 2 cannot be held liable for any alleged violations of the Plastic Waste Management Rules, 2016 ("PWM Rules, 2016"), in relation to the products listed or sold by independent sellers.

4. It is further reiterated that Respondent No.2 has undertaken proper steps and has observed diligence while discharging its duties as an intermediary. The Respondent No. 2 by putting in place a control system for identification and suppression of Single Use Plastic ("SUP") items based on information provided by the sellers at the time of listing of products in consonance of Section 79 (3) (b) of the IT Act. It is also submitted that this system is highly effective and works on the basis of positive indicators being present in the



product description, and accordingly it may be noted that this system has been enhanced further to enhance indirect keyword coverage, and improve detection capabilities.

5. It is most humbly submitted that, the sole contention against the Respondent No.2 is in *Para 7* of the Rejoinder with respect to the listing of thermocol (Styrofoam) beads, balls, and various other decorative craft products that continue to be listed for sale by third parties on Respondent No.2's online marketplace, i.e. www.amazon.in (hereinafter referred to as "**Website/E-Commerce Marketplace**"). It is submitted that the Respondent No.2 plays no role whatsoever in the manufacture, packaging, pricing, offering for sale, or sale of the Impugned Products.

6. It is important to highlight that the Respondent No. 2 does not, whatsoever, manufacture, produce, import, supply, procure, list, price, offer for sale, and/or sell any product made available on its Online Marketplace, including the allegedly infringing Impugned Products being manufactured, listed, and/or offered for sale by independent third-party sellers. Such actions and activities are carried out solely by such third-party sellers, at their own discretion.

7. It is also submitted that the Respondent No.2 does not initiate transmission of any information between third-party buyers and sellers, and does not select a receiver of any such transmission, nor does it select/modify the contents of the transmission. As such, the entire process from the selection of the product



the conclusion of the sale is directly between the third-party buyer and seller, with no interference from the Respondent No.2.

8. It is most respectfully submitted that a bare perusal of webpage annexed by the Applicant as *Annexure A/5* in its rejoinder clearly demonstrates that the products alleged by the Applicant to be thermocol/Styrofoam items are, in fact, not SUP. On the contrary, the said listings expressly indicate that the products are listed and sold as paper balls intended for art and craft purposes with no reference whatsoever to thermocol, polystyrene, Styrofoam, or any other prohibited material in the listing content.

9. It is further submitted that since the aforesaid listings in Respondent No. 2's webpage do not contain any description, representation, or indication of thermocol, polystyrene, or Styrofoam, the same were not flagged by the automated monitoring and compliance systems of Respondent No. 2, which rely on seller-provided information at the time of listing. Accordingly, the said listings continue to remain active on the platform.

10. In view of the above, it is evident that the Applicant has proceeded on a wholly erroneous and unfounded assumption regarding the nature of the products in question. In the absence of any cogent material to establish that the said products are SUP items in Respondent No. 2's marketplace, the allegations of violation are misconceived, baseless, and liable to be rejected.



11. Without prejudice to the aforesaid, the Respondent No.2 seeks liberty to respond to any additional grounds, averments raised by the Applicant during the course of the hearing through additional affidavits/ replies, as deemed fit.


RESPONDENT NO.2/ ASSPL

Through its Authorized Signatory



CIN: U51900KA2010PTC053234

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF AMAZON SELLER SERVICES PRIVATE LIMITED IN ITS 75TH MEETING HELD ON TUESDAY, FEBRUARY 21, 2023 AT 03:00 P.M. AT 8TH FLOOR, WORLD TRADE CENTRE, BRIGADE GATEWAY 26/1 DR. RAJKUMAR ROAD, MALLESHWARAM (W), BANGALORE - 560055, KARNATAKA.

AMENDING THE AUTHORIZATION FOR UNDERTAKING ALL NECESSARY ACTIONS IN RELATION TO INSTITUTING AND DEFENDING LEGAL PROCEEDINGS FOR & ON BEHALF OF THE COMPNY:

“**RESOLVED THAT** in supersession of the Resolution No. 22 passed by the Board of Directors in its meeting held on July 13, 2022, and sub-delegation letters as may be issued in this regard, the consent of the Board of Directors be and is hereby accorded to authorize jointly and/or severally, the following officials of the Company for undertaking all the necessary actions in relation to instituting and defending legal proceedings for and on behalf of the Company for the following purposes:

Sl. No.	Names of Authorised Official	Authorization
1.	Rakesh Mohan Bakshi	a) To attend, appear, participate, depose, authorize, represent and take decision for instituting and defending legal proceedings and to institute and defend legal proceedings – civil, criminal or revenue and confess judgment or withdraw, compromise, compound or refer any matter or dispute to arbitration; b) To attend, appear, participate, depose, authorize and represent the company in all departmental enquires in all central, state and local government departments under all applicable central and local laws and sign, verify and file all documentation in such departments as may be required for and on behalf of the Company; c) To sign, verify and file in all or any Courts and offices in India and outside, in all or any cases, whether original or appellate revision or review, papers, documents, undertakings, writings, affidavits, complaints, written statements, affidavits, applications, review or revision petitions and memoranda or appeals or cross objections or any other similar documents for filing or defending any litigation against the Company; d) To engage, appoint, retain and discharge solicitors, pleaders, advocates, counsels

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		<p>and other legal practitioners;</p> <p>e) To sign or execute Vakalatnama, papers and documents as may be necessary to be signed and also verify the same whenever required; and</p> <p>f) To further delegate the above mentioned powers mentioned in point (a) to (e) for the proper conduct of the business of the Company by way of issuing Authority Letter or executing power of attorney in their favour.</p>
2.	Richa Bakshi	<p>a) To attend, appear, participate, depose, authorize, represent and take decision for instituting and defending legal proceedings and to institute and defend legal proceedings – civil, criminal or revenue and confess judgment or withdraw, compromise, compound or refer any matter or dispute to arbitration;</p> <p>b) To attend, appear, participate, depose, authorize and represent the company in all departmental enquires in all central, state and local government departments under all applicable central and local laws and sign, verify and file all documentation in such departments as may be required for and on behalf of the Company;</p> <p>c) To sign, verify and file in all or any Courts and offices in India and outside, in all or any cases, whether original or appellate revision or review, papers, documents, undertakings, writings, affidavits, complaints, written statements, affidavits, applications, review, or revision petitions and memoranda or appeals or cross objections or any other similar documents for filing or defending any litigation against the Company; and</p> <p>d) To sign or execute Vakalatnama, papers and documents as may be necessary to be signed and also verify the same whenever required.</p>
3.	Abhik Guha Roy	
4.	Reuben Cheriyan	
5.	Amit Grover	
6.	Rahul Narayanan	
7.	Sheetal Kapur	

CIN: U51900KA2010PTC053234

8.	Shravani Sekhar	a) To attend, appear, participate, depose, authorize, represent and take decision, including for instituting, withdrawing, legal proceedings or withdraw, compromise, or take any other decision in relation to matters arising under the Competition Act, 2002, as may be amended from time to time; b) To sign, verify and file all documentation, whether before courts, or other authorities in India including vakalatnamas, plaints, appeals, written statements, applications, undertakings, affidavits as may be required for and on behalf of the Company, in relation to any and all proceedings, or enquiries under the Competition Act, 2002, as may be amended from time to time;
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RESOLVED FURTHER THAT the Directors and Company Secretary of the Company be and are hereby severally authorised to do all such acts, deeds and things as may be necessary to give effect to the aforesaid resolution.”

For Amazon Seller Services Private Limited

Saurabh Srivastava
Whole Time Director

DIN: 07714541

Address: House No 1A 2A Sobha Emerald Phase 1
Bengaluru, Bangalore North Karnataka
India 560064.

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AFFIDAVIT IN SUPPORT OF SUR-REJOINDER

I, Richa Bakshi, d/o Mr. Dinesh Bakshi, aged about 36 years, working as Senior Corporate Counsel with M/s. Amazon Seller Services Limited having its office at 14th Floor, International Trade Tower, Nehru Place, New Delhi – 110019, do hereby solemnly affirm and declare as under: -

1. That I am the authorised signatory of Amazon Seller Services Private Limited and as such I am well-versed with the facts of this case.
2. That the annexed Sur-Rejoinder has been prepared on my instructions which is based on my personal knowledge as per available documents, records, and legal advice rendered by my advocate.
3. That this affidavit may be treated as part and parcel of my annexed reply and documents.


DEPONENT

Verification: -

Verified that the contents of my above affidavit are true and correct to the best of my knowledge and nothing has been concealed therein. Verified at New Delhi on



08 APR 2026

ATTESTED
NOTARY PUBLIC DELHI
Govt. of India


DEPONENT