

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI**ORIGINAL APPLICATION NO. 164/2025**

In the matter of:

Hariyali Welfare Society

...Applicant

versus

M/s Flipkart Logistics Private Limited & Ors.

...Respondents

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THROUGH:

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DATE: NOVEMBER 13, 2025

PLACE: DELHI

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI
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COUNTER-AFFIDAVIT ON BEHALF OF INSTAKART SERVICES

PRIVATE LIMITED

I, Chetan B Mali S/o Mr. Bhupendra Mali, aged about 29 years, having my official address at Instakart Services Private Limited, located at, Buildings Alyssa, Begonia & Clover, Embassy Tech Village, Outer Ring Road, Devarabeesanahalli Village, Bengaluru – 560103, Karnataka, India, presently at Bangalore do hereby solemnly affirm and state as follows:

1. At the outset, it is stated that the allegations raised in the Application concern activities relating to the operation of the Flipkart e-commerce platform, which is neither owned nor operated by the said Respondent No.1.
2. It is also clarified that Flipkart Logistics Private Limited has been amalgamated and is now known by the name “Instakart Services Private Limited” pursuant to a Scheme of Amalgamation sanctioned by the Hon’ble National Company Law Tribunal, Bengaluru Bench. The order passed by NCLT, Bengaluru sanctioning the Scheme of Amalgamation is annexed herewith as **Annexure – A**.



3. Instakart Services Private Limited ("**Instakart**") is a distinct corporate entity engaged in the provision of logistics and supply chain solutions. Its business operations include warehousing, fulfilment, and delivery services rendered to a variety of clients, including sellers who may use the Flipkart Platform. Instakart is responsible solely for the physical movement and handling of goods, which are stored, processed, and delivered based on instructions received from the sellers or marketplace platforms.
4. Whereas the present Application concerns alleged violation of Rule 4(2) of the Plastic Waste Management (Amendment) Rules, 2021 ("**PWM Rules**"), purportedly arising from the sale or distribution of products using polystyrene or expanded thermocol packaging materials on various e-commerce platforms, including sale of such products on the Flipkart website (www.flipkart.com).
5. However, Instakart neither operates the Flipkart e-commerce platform nor has any role in the sale, purchase, listing, pricing, packaging, or marketing of products.
6. The Applicant's specific allegations against the Flipkart e-commerce platform are as under:
 - (i) Rule 4(2) of the Plastic Waste Management (Amendment) Rules, 2021 {read with the Notifications issued by the Central Pollution Control Board ("**CPCB**")} prohibits e-commerce entities from selling, distributing, delivering and stocking of identified SUP products.



Instakart
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- (ii) However, Flipkart on its e-commerce platforms is enabling the sale of SUP products, which are widely used for arts and crafts, decorations including for celebratory purposes during festivals like Ganesh Chaturthi, Dusshera, Kali Puka, Chahath Puja, Christmas as well as for Pandal Decorations and for birthdays/weddings.
- (iii) Particularly, on visiting the e-commerce website of Flipkart on March 26, 2025, the Applicant found that thermocol beads, balls and various other decorative items for crafts were being sold, despite the existing ban.
- (iv) Accordingly, the Applicant has prayed for imposition of penalties/fines and that Flipkart removes all listings for banned single-use plastic items.

7. However, Instakart does not operate any online platform or marketplace through which such products are listed or sold. As such, the relief sought in the present application (i.e., delisting or removal of products alleged to be in violation PWM Rules and CPCB notifications) cannot be granted against Instakart.

8. No sale, purchase, marketing and listing of the alleged SUP products take place through Instakart. Instakart performs only logistics functions, pursuant to service arrangements, and does not participate in or control the upstream commercial aspects of the transaction on e-commerce platform of Flipkart.



9. It is submitted that there is no factual or legal basis to maintain the present proceedings against Instakart inasmuch as Instakart does not have any nexus whatsoever with the alleged cause of action.

In view of the above facts, it is stated that there is no basis for the Applicant to claim any relief against Instakart as no liability of any allegation of non-compliance arising out of sale or distribution of the alleged SUP products listed on the Flipkart e-commerce website can be attributed to it.

Therefore, the allegations and averments made in the present Application *qua* Instakart are misconceived, baseless and liable to be dismissed as the countenance of these proceedings against the present Respondent would be an abuse of the process of law.

 
DEPONENT

VERIFICATION

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

13 NOV 2025

Verified in **Bangalore** on the ____ day of November 2025.



 
DEPONENT

SWORN TO BEFORE ME



MOHAN KUMAR N., B.A., LL.B.,
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GOVT. OF INDIA
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My Term Expires on
28-12-2026



[Advance Service] - Original Application No. 164/2025 - Hariyali Welfare Society v. M/s Flipkart Logistics Pvt. Ltd. & Ors.

From Sahir Seth <sahir.seth@jsalaw.com>

Date Thu 11/13/2025 9:02 PM

To litigation@dclawchambers.com <litigation@dclawchambers.com>

Cc Vishrutyi Sahni <v.sahni@jsalaw.com>; Muskaan Gupta (DEL) <m.gupta@jsalaw.com>; Dheeraj Nair <dheeraj@jsalaw.com>

 1 attachment (942 KB)

Counter Affidavit - R1.pdf;

To:

Mr. Ritwick Dutta

Counsel for the Applicant.

Sir,

We write to you as counsel for Flipkart Logistics Private Limited (now, Instakart Services Private Limited) ("**Respondent No.1**").

As and by way of advance service, please see attached the Counter Affidavit being filed on behalf of Respondent No.1 in the subject proceedings.

We request you to acknowledge receipt of the same.

Regards,

Sahir Seth

Associate

JSA Advocates & Solicitors



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