

Central Pollution Control Board

12/10/2020

Action Taken Report in the matter of (i) Aditya Dubey(Minor) Vs. M/s. Amazon Retail India Pvt. Ltd. & Ors.(OA No.997/2019) & (ii) Aditya Dubey (Minor) Vs. M/s. Coca-Cola India Pvt. Ltd. & Ors. (OA No. 28/2020)

1.0 Background:

The first petition (OA No.997/2019) sought enforcement of the liability against Amazon and Flipkart using excessive plastic packaging material without meeting statutory liability.

The second petition (OA No. 28/2020) was against violation of obligation under Rule 9 of the Plastic Waste Management Rules, 2016, by M/s. Coca-cola India Pvt. Ltd., M/s. Hindustan Coca-cola Beverages Pvt. Ltd., M/s. Pepsico India Holding Pvt. Ltd., M/s. Bisleri International Pvt. Ltd., M/s. Parle Agro Pvt. Ltd., M/s. Patanjali Peya Private Ltd., M/s. NourishCo Beverages Ltd., M/s. Indian Railway Catering & Tourism Corp. Ltd. in terms of principle of Extended Producer Liability.

Vide order dated 10/09/2020 in the above-cited matter, Hon'ble NGT directed as follows:

Para 2. *"The matter has been considered on earlier occasions and it was observed that the statutory regulators were not taking coercive measures including invoking of "Polluter Pays" principle for enforcing the statutory norms. Central Pollution Control Board (CPCB) was directed to look into the matter and file further report.*

Para 3. *Accordingly, a report has been filed by the CPCB on 04.09.2020 which again mentions one or other reasons for not enforcing the law but does not mention the coercive measures adopted either directly by CPCB or in coordination with the State PCBs/PCCs. The CPCB can also consider ordering environmental audit against the concerned entities and assess and recover compensation for violation of environmental norms, following due process of law.*

Para 4. *Let further steps be taken in the matter and an action taken report be filed---*"

2.0 Action Taken by CPCB: -

CPCB has taken the following Actions in compliance with above Directions of Hon'ble NGT:

2.1 Action taken w.r.t 10 firms listed in OA No.997/2019 & OA No. 28/2020

(a) Show Cause Notices for Closure of operations & Levying EC:

Two firms namely M/s. Patanjali Peya Pvt. Ltd. & M/s. Flipkart Private limited- are not registered with CPCB and have not responded to CPCB's communications on the matter. Accordingly, Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 dated October 08, 2020 (**Annexure I & II**) has been issued to these units for closure of their operation and for levying of Environment Compensation for non-compliance of provisions of PWM Rules, 2018.

(b) Show Cause Notice for Levying Environment Compensation (EC):

Four firms namely M/s. Hindustan Coca-cola Beverages Pvt. Ltd., M/s. Pepsico India Holding Pvt. Ltd., M/s. Bisleri International Pvt. Ltd., & M/s. NourishCo Beverages Ltd.- are registered with CPCB. However, they have not provided information for evidence based assessment of implementation of Action Plan for fulfilment of Extended Producer Responsibility (EPR) liability. Further, the documents submitted by them have not been endorsed by SPCB/PCC/ULB. Accordingly, Show Cause Notice under Section 5 of the Environment (Protection) Act, 1986 dated October 08, 2020 (**Annexure III- VI**) has been issued to these firms for levying of Environment Compensation for non-compliance of provisions of PWM Rules, 2018.

(c) Registration of Firms:

4 firms namely M/s Amazon Seller Service Pvt. Ltd, M/s. Coca-cola India Pvt. Ltd., M/s. Parle Agro Pvt. Ltd., M/s. Indian Railway Catering & Tourism Corp. Ltd.- have been recently granted registration by CPCB as Brand Owner/producer under Plastic Waste Management (PWM) Rules, 2018.

They are required to submit quarterly progress reports and comply with conditions stipulated in the Registration certificate issued to them

(d) Environmental Audit:

Hon'ble NGT has observed that CPCB may consider ordering Environmental Audit against these 10 firms. CPCB has held deliberations with expert agencies on the matter. Since, it will be for the first time that such an Audit shall be conducted, a committee has been constituted to deliberate and suggest mechanism for conducting Environmental Audit as well as specify the agencies which can be engaged for such Audits.

2.2. Action taken w.r.t other Producers/ Brand-owners:

Directions under Section 5 of Environment (Protection) Act, 1986 dated October 06, 2020 has been issued to all SPCBs/PCCs (**Annexure-VII**) for identification of the Brand owners/ producers who are operating without Registration from SPCB/PCC/ CPCB in their State/UT and to take action against the defaulting units as per provisions of PWM Rules, 2018 which may include closure of their operations, and levying Environmental Compensation.

Further, CPCB receives applications for Registration under Rule 13(2) of PWM Rules. Applications are examined by CPCB and clarification/information, if any, are communicated to the applicants. However, many such applicants have not responded to CPCB's queries. As the applicants are non-compliant during this period, list of such applicants has also been forwarded to the State Board for taking action against the defaulting units as per provision of PWM Rules, 2018 which shall include closure of their operations, and levying environmental compensation.
