

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1065/2024

Varun Gulati

Applicant

Versus

Delhi Pollution Control Committee & Ors.

Respondent(s)

Date of hearing: 20.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Mansi Chahal, Adv. for Applicant (Through VC)

ORDER

1. In this Original Application, the applicant has raised the grievance that the respondent nos. 6 to 40 are engaged in manufacturing of banned Single Used Plastic (SUP) items at Bawana and Narela. The plea of the applicant is that DPCC on 27.05.2024 had issued the closure directions directing all the 36 respondent units to immediately shut down but these units are still operating and violating the closure order.

2. Learned Counsel for the applicant during the course of argument has referred to the Circular dated 04.02.2022 in respect of prohibition on production, stocking, distribution, sale and usage of Single Used plastic items issued by the Member Secretary, CPCB (Annexure-A1) which states as under:-

"As per Rule 4 (2) of PWM Rules, 2016 (as amended), "The manufacture, import, stocking, distribution, sale and use of following single use plastic (SUP), including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July, 2022:

(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;

As per Rules 4(1) (c) of PWM Rules, 2016 (as amended) "Carry bag made of virgin or recycled plastic, shall not be less seventy five microns in thickness with effect from the 30th September, 2021 and one hundred and twenty (120) microns in thickness with effect from 31st December, 2022."

3. She has submitted that these units are violating the above rules and are engaged in the production of prohibited items.

4. The OA raises substantial issue relating to compliance of environmental norms.

5. Issue notice to the respondents for filing their response/reply in the form of affidavit before the Tribunal at least one week before the next date of hearing. If any of the respondents directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

6. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

7. List on 07.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 20, 2024
Original Application No. 1065/2024
SN