

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

**Original Application No. 124/2014  
And  
M.A. No. 382/2014**

**Money Goyal & Ors. V/s Ministry of Environment & Forests & Ors.**

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present:**

<b>Applicant / Appellant</b>	<b>: Mr. Haminder Syal and Mr. Akash Seth, Adv.</b>
<b>Respondent No. 1</b>	<b>: Mr. Vikas Malhotra with Mr. M.P. Sahay, Adv.</b>
<b>Respondent No. 3</b>	<b>: Mr. Abhishek Paruthi, Adv.</b>
<b>Respondent No. 4</b>	<b>: Mr. Nitin Kaushal, Mr. Anshul Mittal and Mr. Rahul Meena, Adv.</b>
<b>Respondent Nos. 6to8</b>	<b>: Mr. Jayat K. Sud, SSC, PSPCL and Ms. Bonita Singh, Mr. Bipin Arora, Mr. Vishal Dabas, Adv.</b>
<b>Respondent No. 9</b>	<b>: Mr. Tarunvir Singh Khehar and Gurmeet Khehar, Adv.</b>
	<b>: Mr. Anil Soni, AAG, Punjab</b>

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 4 May 06, 2015</b>  Dharamvir	Heard. Perused.  This is an application seeking mandate to the respondent no. 1 – MoEF, respondent no. 2 – Director, MoEF, respondent no. 3 – Central Pollution Control Board, respondent no. 4 – Punjab Pollution Control Board to formulate policy/guidelines for discontinuation of use of SMC/non-degradable plastic material and for suspension of the decision of respondent no. 6 – Punjab State Power Corporation Limited, respondent no. 7 – Chief Engineer, Punjab State Power Corporation Limited, respondent no. 8 – Director General, State Power Corporation Limited as regards procurement of SMC plastic meter boxes and the tender floated by the respondent nos. 6 to 8 on the basis of the said decision, and further for permanent restraint on the respondent nos. 6 to 8 from procuring non-degradable plastic/SMC/FRPP/Poly Carbonate,

etc.

According to the applicant, /SMC/FRPP/Poly Carbonate material falls in the category of the non-degradable as well as non-recyclable plastic and as such interferes in the natural cycle and thus becomes serious threat to environment.

After hearing the parties, we had directed the CPCB as well as MoEF to jointly frame guidelines for the purpose of proper and appropriate disposal of /SMC/FRPP/Poly Carbonate products and in the meantime, we direct respondent nos. 6 to 8 to keep all SMC/FRPP products within their premise when they become obsolete without disposing the same awaiting the approval to the guidelines. However, we had allowed the respondent nos. 6 to 8 to proceed with the tender proceedings subject, however, to putting the suppliers/manufacturers to a condition that they shall undertake to take back the product supplied after the products become obsolete under the concept of Extended Producers Responsibility (EPR) vide order dated 12.12.2014.

Now, the CPCB has placed before us the draft guidelines for disposal of Thermoset Plastic Waste including SMC/FRP dated March 2015 which have been framed as a result of our direction dated 27.1.2015 to constitute a committee and study the entire aspects concerning the Thermoset Plastic Waste including SMC/FRP. Learned Counsel appearing for the CPCB submits that these guidelines will be given final shape and duly notified in accordance with the procedure laid down by law. He further submits that the applicants

who may have to say something about these guidelines may say so while the process for notifying the said guidelines will be undertaken by the MoEF. A glance at these guidelines reveals that plastic waste to which the applicants are referring is non-degradable and non-recyclable and even cannot be remoulded for further use. It further reveals that such plastic waste remains without being degraded in the environment for several years. Certainly, there is a merit in what the applicant wishes to point out from the application that there are chances of such material causing interference in the nature's cycle to the detriment of the environment.

We, therefore, pass the following order:

1. The CPCB and the MoEF shall complete the process of duly notifying the said guidelines in accordance with law and shall afford opportunity to the applicants to put their say/objections/reservations about the proposed guidelines in the manner known to law.
2. Respondent nos. 6 to 8 shall cause to be incorporate in the tender floated pursuant to the tender enquiry T.E. No. MQP-82/2015-16/PR, a specific condition "The supplier/firm is required to furnish undertaking to lift back the SMC scrap to be available with PSPCL for the supplies to be made against this tender enquiry, if any, within/outside warranty period as and when intimated from time to time, without any additional financial implication on PSPCL", and shall take further effective measures/steps to ensure that the SMC meter boxes and every other

SMC scrap with them or put in use shall be disposed of in accordance with guidelines that would be finally notified by the MoEF.

3. We also direct the respondent nos. 6 to 8 not to float any such tender for further procurement of SMC plastic meter boxes till the guidelines are in place in accordance with law. Guidelines shall be finalized expeditiously.

Original Application No. 124/2014 along with M.A. No. 382/2014 stands disposed of accordingly.

.....,JM  
(U.D. Salvi)

.....,EM  
(Prof. A. R. Yousuf)

