

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

Contempt Application No. 02 of 2016

In

Original Application No. 124/2014

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

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant /Appellant : Mr. Akash Seth, Adv.
Respondent No. 1 : Ms. Sakshi Popli, Adv. & Ms. Juhi, Adv.
Respondent Nos. 2 : Mr. Raj Kumar, Adv. & Ms. Niti Choudhary,
LA**

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 14 August 22, 2016 sn</p>	<p style="text-align: center;"><u>Contempt Application No. 02 of 2016</u></p> <p>The Applicant is seeking action under Section 28 of the National Green Tribunal Act, 2010 against the Ministry of Environment and Forests and CPCB for not having discharged their obligations under Order dated 6th May, 2015 passed in Original Application No. 124 of 2014 (Money Goyal & Akash Seth Vs. Ministry of Environment & Forests and Ors.).</p> <p>The Respondents, Ministry of Environment and Forests and CPCB were required to complete the process of duly notifying the guidelines for disposal of thermoset plastic wastes including SMC/ FRP in accordance with law. In response to these directions, it has been brought to our notice that the CPCB has published the guidelines for disposal of thermoset plastic wastes including Sheet Moulding Compound(SMC) and Fibre Reinforced Polymer(FRP) referred to in Rule 5(c) on 25th May, 2016 (Page 130) annexed to the affidavit date 26th July, 2016 of the Joint Director (Scientist, Ministry of Environment and</p>

Forests).

Affidavit dated 26th July, 2016 reveals that the Ministry had notified the Plastic Waste Management Rules, 2016 on 18th March, 2016 vide G.S.R. 320 (E) in supersession of the Plastic Waste (Management and Handling) Rules, 2011, and as per the provisions under Rule 5(c) of the Plastic Waste Management Rules, 2016, the thermoset plastic waste shall be processed and disposed of as per the guidelines issued from time to time by the CPCB.

Thus, the disposal of the thermoset plastic waste including SMC and FRP is regulated by Letter of Law in as much as any breach of it will invite penal consequences under Section 15 of the Environment (Protection) Act, 1986.

Learned Counsel appearing on behalf of the Applicant submitted that there is no provision for disposal of polycarbonate products. However, when queried, he explained that the polycarbonates are the plastics having phenolic base.

Pertinently, the grievance was regarding group plastics called as 'Thermoset plastics' which are non-biodegradable and cannot be remoulded or recycled. SMC, FRP and Polycarbonate products are the species of this family of 'Thermoset plastics'. At para 3 of the guidelines (Page 134), Thermoset polymers(plastic) are family of plastics comprising of Epoxy resins, unsaturated polyester resins, phenolic resins, urea-formaldehyde resin, melamine-formaldehyde resin and polyimides. Thus, the polymers having phenolic

base like phenolic resin also become the part of the family of 'Thermoset plastics'. We, therefore, have reason to believe that the Rules governing its disposal are in place and therefore, we record the satisfaction of the directions passed by us.

As regards the penal consequences under Section 28 of the NGT Act, 2010, we observe that this is not the proper forum for invoking this provision and it would be the court of competent criminal jurisdiction which can deal with the matters under Section 28 of the NGT Act, 2010.

Contempt Application no. 02 of 2016 is closed.

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

.....,EM
(Ranjan Chatterjee)

