

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

(By Video Conferencing)

Original Application No. 997/2019

(With report dated 04.09.2020)

Aditya Dubey (Minor)

Applicant(s)

Versus

Amazon Retail India Private Limited & Ors.

Respondent(s)

WITH

Original Application No. 28/2020

Aditya Dubey (Minor) through his Legal
Guardian Mrs. Anu Dubey & Anr

Applicant(s)

Versus

Coca-Cola India Pvt. Ltd. (CCIPL) & Ors.

Respondent(s)

Date of hearing: 10.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Ms. Priya Hingorani, Senior Advocate with Mr. Meenesh Dubey,
Advocate

Respondent(s): Mr. Balendu Shekhar, Advocate for CPCB

ORDER

1. These applications seek enforcement of 'Extended Producer Responsibility' under the Plastic Waste Management Rules, 2016. The first petition seeks enforcement of the liability against Amazon and Flipkart using excessive plastic packaging material without meeting statutory liability. The second petition alleges violation of such statutory

liability by M/s Coca-Cola India Pvt. Ltd. (CCIPL), Gurgaon, Haryana, M/s Hindustan Coca-Cola Beverages Pvt Ltd, Gurgaon, Haryana, PepsiCo India Holdings Pvt. Ltd., Gurgaon, Haryana, M/s Bisleri International Pvt. Ltd., Mumbai, M/s Parle Agro Pvt. Ltd., Mumbai, M/s Patanjali Peya Private Ltd., Haridwar, Uttarakhand, M/s Nourish Co-Beverages Ltd. (Himalayan Water), Gurgaon, Haryana and M/s Indian Railway Catering & Tourism Corp. Ltd., New Delhi.

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.

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.

4. Let further steps be taken in the matter and an action taken report be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. The Member Secretary, CPCB may remain present in person during the hearing on the next date through video conferencing.

A copy of this order be sent to the Member Secretary, CPCB by e-mail for compliance.

List for further consideration on 14.10.2020.

In view of the order in the main application, no separate order is required in I.A. No. 01/2020 which stands disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 10, 2020
Original Application No. 997/2019
(I.A. No. 01/2020)
DV