

Item No.11:-

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No.131 of 2023 (SZ)

IN THE MATTER OF:

Parthiban J
Sholavarma, Tamil Nadu.

... Applicant(s)

The District Collector
Kancheepuram and Ors.

...Respondent(s)

Date of hearing: 09.11.2023.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Mr. S. Kamalesh Kannan.

For Respondent(s): Dr. D. Shanmuganathan for R1.
Mr. S. Sai Sathya Jith represented
Mrs. Shanmugavalli Sekar for R2, R3.
Mr. S. Saravanan for R4.

ORDER

1. This is an Original Application filed seeking a direction to the 4th Respondent (Apollo Tyres Limited) to stop the improper or illegal disposal of the HDPE PP/ Carbon jumbo bags as per law and direct the authorities to take appropriate action.
2. The 4th Respondent is a tyre manufacturer and the carbon black is one of the main components. After the carbon black is used by the 4th Respondent, the bags carrying them are sent outside either through the recycler or by any other agency.
3. The 4th Respondent also has filed their response stating that the plant consumes 5,000 MT per month and for which, about 5,000 empty bags are being generated every month from the plant. The weight of the said empty bags is equivalent to 21 MT per month. They are using plastic bags which are designed to transport the carbon black without any leakage during the transportation. As an alternate suggestion, it is stated that they are trying to eliminate the usage of the jumbo bags from the operation by introducing the carbon tankers in their new plant in Andhra

Pradesh and they are currently exploring the possibility to expand this to all other plants also.

4. In the instant case, the 4th Respondent has stated that they have engaged one M/s. Jeeva Enterprises on 29.09.2023, as they are registered recycler who has got a valid Consent to Operate under the Air Act, 1981 and Water Act, 1974. But the reply of the 4th Respondent is silent about what was the mode of disposal of these kinds of bags as on 29.09.2023.
5. The main allegation of the applicant is that these bags after usage are sent to the open market without being cleaned which has a carbon black content which is hazardous to the health.
6. In this regard, the 4th Respondent is directed to get appropriate instruction as to why they cannot send the bags to the manufacturer of these carbon jumbo bags under the Extended Producer Responsibility (EPR) under the Plastic Waste Management Rules, 2016 or any other alternative in this regard may be suggested.

7. To be noted is that the applicant has come before us only alleging against the 4th Respondent who is using the carbon black. Admittedly, there are similar industries that use carbon black and there should be a permanent solution in this regard.

8. Hence, we direct the Tamil Nadu Pollution Control Board also to file a detailed report in this regard as to the existing rules in dealing with plastic waste and the conditions normally they imposed on such industries and their responsibility of following the same. Let the reports be filed before the date of next hearing.

9. Post the matter on **18.12.2023**.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.131/2023 (SZ)
09th November 2023. Mn.