

Item No.01:-

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

Wednesday, the 16th day of July 2025.

[Through Physical Hearing (Hybrid Option)]

**Original Application No.131 of 2023 (SZ) &
I.A. No.116 of 2023 (SZ)**

IN THE MATTER OF

J. Parthiban

2/18, Dharmaraja Koil Street,
Chozhavaram Post,
Karanodai, Tiruvallur,
Sholavaram,
Tamil Nadu – 600 067.

...Applicant(s)

Versus

1) District Collector

First Floor,
Collectorate,
Kancheepuram District.

2) The Chairman

Tamil Nadu Pollution Control Board
76, Mount Salai,
Guindy, Chennai – 600 032.

3) The District Environmental Engineer

Tamil Nadu Pollution Control Board,
Plot No.CP-5B, SIPCOT Industrial Growth Centre,
Vandalur – Wallajahbad Road,
Oragadam, Kancheepuram District.

4) Apollo Tyres Limited

Rep. by its Manager,
Environmental Health Safety (EHS)
B-25, SIPCOT Industrial Growth Centre,
Sriperumbadur – Singaperumal Koil State Highway
Oragadam, Sriperumbadur Taluk,
Kancheepuram District – 602 105.

...Respondent(s)

For Applicant (s): M/s. S. Kamalesh Kannan &
S. Gayathri Devi.

For Respondent(s): Dr. D. Shanmuganathan for R1.
Mrs. Madhuri Donti Reddy for R2 & R3.
Mr. Abdul Saleem, Sr. Adv. a/w.
Mr. S. Saravanan and Mr. E. Karthikeyan
For M/s. AAV Partners for R4.
Ms. N. Nathami for CPCB.

Judgment Reserved on: 07th July, 2025.

CORAM:

HON'BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

J U D G E M E N T

Delivered by Smt. Justice Pushpa Sathyanarayana, Judicial Member

1. Disturbed by the alarming issue of illegal disposal of the plastic waste from the 4th Respondent unit viz., *M/s. Apollo Tyres Limited*, which is disposing of the used jumbo bags carrying carbon black deposits, the applicant has come with the above-captioned Original Application, seeking intervention of this Tribunal.

2. The 4th Respondent is a manufacturer of tyres using carbon black as one of the main components. The said carbon black is a material produced by the incomplete combustion of coal and coal tar or petroleum products, including crude oil, which has the nature to sustain heat. The said carbon black is used only in automobile tyre manufacturing, which helps in withstanding the heat and can reduce the thermal damage in the products.

3. It is stated that carbon black is carcinogenic to humans. The employees handling the carbon black are also having risk of being affected if appropriate guidelines are not followed. The said carbon black, which is the main component in the tyre manufacturing, is brought in High Density Polyethylene/ Polypropylene (**HDPE/PP**) Bags, which can withstand and carry the carbon black in large quantities i.e. 1 Tonne in a single bag. The said jumbo bags are of size approximately 7 Feet in height and 3 Feet in width on four sides.

4. The issue involved in this case is about the disposal of the said HDPE jumbo bags after the carbon black is emptied in the factory. The applicant has stated that used HDPE jumbo bags bearing the label of the 4th Respondent are found in the local markets and are being repurposed for domestic use. These

bags reportedly contain residual traces of carbon black. When the general public purchased the said bags in the local market for the purpose of storing the cattle feeds, covering harvested paddy and other items, the residue carbon black affects the health. Sometimes, these bags are used as roofing material, and during rainfall, the residual carbon black is washed off and drains along with the rainwater. The jumbo bags can be disposed of through a proper plastic waste recycling unit instead of making them available in the local market for reuse.

5. Hence, with the above concern, the applicant has knocked the doors of this Tribunal for taking action against the 4th Respondent for illegally disposing of the HDPE bags.

6. The **4th Respondent**, who is the Project Proponent, in their reply, has stated that the carbon black is the main key ingredient, which is necessary for the manufacture of tyres. It is procured by them from Birla Carbon, Gummudipoondi and Philips Carbon, Gummudipoondi and is delivered to the plant in 1 MT sealed HDPE jumbo bags. The plant consumes 5000 MT per month, thereby generating 5000 empty bags per month from the plant and the weight of such empty bags is equivalent to approximately 21 MT per month. The jumbo bags are designed to transport the material safely to prevent the leakage of product during transportation. The said jumbo bags do have a lot of functional value even after finishing the primary purpose of transportation of carbon black.

7. It is stated that the carbon black is a non-hazardous material and there are no significant environmental or health hazards associated with the material and it is not carcinogenic, as alleged by the applicant. The Project Proponent stores 1 MT jumbo bags as received in a dedicated closed storage area. Later, they are handled through forklifts and the bags are lifted through a hoist and charged to the carbon charging bin. The carbon black is discharged through gravity by hanging the bag over the bin in a closed environment to avoid dust emission or spillage and thereafter, it is pneumatically conveyed to the production line. After the bags are emptied, they are thoroughly cleaned to ensure that there is no residue of the carbon black in

the bags. Then, the emptied bags are collected and sent to the vendor.

8. Though the Project Proponent has been exploring the technical potential offered by Silica in the place of carbon black, as on date there is no technology available for the replacement of carbon black with other materials. Alternatively, the Project Proponent has stated that in order to eliminate the jumbo bags from the operation, they have introduced the carbon tankers in their new plant in Andhra Pradesh, along with Birla Carbon, which is a leading carbon manufacturer. It is further stated that by using the said carbon tankers, about 16 – 17 plastic jumbo bags containing 18 – 20 MT of carbon black per truck dispatch can be saved.

9. It is only reiterated by the Project Proponent that the HDPE bags are non-hazardous and does not cause significant harm to health or environmental damage and have the potential to be recycled efficiently and as such, this respondent has not caused any quantifiable environmental damage during the handling, usage or disposal of the HDPE bags. Further, in order to comply with the Plastic Waste Management Rules, 2016, the Project Proponent has entered into an agreement with and is handing over the empty bags to one M/s. Jeeva Enterprises, which is the registered recycler having Consent to Operate under the Air (Prevention and Control of Pollution) Act and Water (Prevention and Control of Pollution) Act and which has a manufacturing facility at Thirumudivakkam, Chennai for recycling bags and converting them to granules, which are sold to end users.

10. The **Tamil Nadu Pollution Control Board (TNPCB)**, which is the 2nd and 3rd Respondents, has stated that the Project Proponent/4th Respondent viz., M/s. Apollo Tyres Limited has got a valid Consent to Operate from 31.03.2010, which has been periodically renewed. The Consent to Operate was renewed even after the expansion activity. The unit also has valid consent for the disposal of sewage of 251 KLD and trade effluent of 900 KLD with Zero Liquid Discharge (**ZLD**). The unit was inspected by the TNPCB on 23.08.2023 and during the inspection, it was reported

that the carbon black received in jumbo bags is being returned to the said suppliers themselves for refilling until January 2022. Due to complaints from the vendor units of the supplier regarding the quality issue due to refilling in the reused jumbo bags, the raw material supplier had stopped getting back the used jumbo bags. Hence, the unit had made alternate arrangements to dispose of the said jumbo bags through scrap vendors for recycling thereafter. The unit was also addressed to dispose of the plastic jumbo bags only through the authorized recycler and not to any of the scrap vendors.

11. In light of the above pleadings, this Tribunal had directed the Central Pollution Control Board (**CPCB**) to file a report, as the usage of carbon black is PAN India and to examine whether the jumbo bags used as of now can be phased out and substitute them with carbon tankers.

12. The **CPCB**, after referring to the Plastic Waste Management Rules, 2016, has given its conclusion, which is usefully extracted below:

"1. Carbon black is being purchased by tyre manufacturers. In view of above, carbon black & tyre manufacturers are required to register on the Centralized EPR Portal for Plastic Packaging in the applicable category (Producer/ Importer/ Brand owner) and fulfill EPR liability for disposal of plastic waste generated by them as per provision outlined in the Plastic Waste Management (PWM) Rules and Extended Producer Responsibility (EPR) guidelines for disposal of plastic packaging waste.

2. Jumbo bags used for packaging of carbon black is not included in the list of banned Single Use Plastic items as per Rule 4(2) of PWM Rules as mentioned above. However, it is required to comply with provision of Rule 4 (1) (c, d & j) as mentioned above.

3. The carbon black manufacturers may voluntarily shift to tankers for packaging of commodity as per requirement."

13. The **Project Proponent/4th Respondent** has filed an additional affidavit dated 05.07.2025, regarding the possibility of the usage of tankers or the construction of silos for handling the carbon black. In that regard, it is stated that

a. The plant commenced operations in 2010 and has since undergone continuous capacity expansions. The plant has reached its terminal capacity and is at a saturation point, with no space left for any new construction.

b. The installation of silos requires an area of approximately 1000 Sqm for 2 sets of silos (6 nos. each). This space is not available near the mixer area.

c. The maximum feasible conveying length for the material is 70 meters. Any available space is approximately 300 meters away, which far exceeds the technical limitation and would lead to significant operational issues. Running the required piping inside the existing mixer area also poses a major challenge.

d. Based on the above findings, it is respectfully submitted that it is not feasible to provide a carbon silo in the Chennai plant.

e. However, to comply with the direction of this Hon'ble Tribunal and to address the grievance raised by the Applicant, a decision was taken by this Respondent to cut the bags after emptying and cleaning them and thereafter, handover the same to the recycler for processing, in order to curb the illegal/unauthorized use of carbon black bags. Though such an exercise would increase the cost expenses to this Respondent, as a law-abiding citizen with social responsibility, this Respondent is willing to bear the same.

14. As the Project Proponent is duly complying with all the precautions and conditions imposed in the approvals granted by the authorities, there is no violation on the part of the 4th Respondent.

15. Regarding handling of jumbo bags, the Project Proponent has already given an undertaking that after emptying of the carbon black, the respondent would cut the HDPE jumbo bags, clean them and thereafter, hand over the same to the recycler for processing. As the said act is in compliance with the Plastic Waste Management Rules, 2016, the prayer of the Applicant is satisfied.

16. In light of the above, the **Original Application [O.A. No.131 of 2023 (SZ)] is disposed of** with a direction to the 4th Respondent to strictly adhere to the guidelines issued by the CPCB, comply with the conditions stipulated in the approvals granted, and implement the recommendations set out in the CPCB's report and strictly follow the undertaking given, as extracted hereinabove.

17. The pending interlocutory application **[I.A. No.116 of 2023 (SZ)]** stands closed.

Sd/-
Smt. Justice Pushpa Sathyanarayana, JM

Sd/-
Dr. Satyagopal Korlapati, EM

**O.A. No.131/2023 (SZ) &
I.A. No.116/2023 (SZ)
16th July, 2025. Mn.**



NGT

Internet – Yes/No

All India NGT Reporter – Yes/No