

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No(s). 4626-4627 of 2019

Him Jagriti Uttaranchal Welfare Society

Appellant(s)

Versus

Union Of India & Ors.

Respondent(s)

ORDER

1 The grievance with which the appellant has moved these Civil Appeals is that Original Application No. 15 of 2014 has now been tagged for hearing and disposal together with Original Application No 606 of 2018 before the National Green Tribunal¹, though their scope and ambit is distinct. Moreover, it was urged that OA 15 of 2014 is the subject of several reports and directions which have to be carried further.

2 Elaborating on the grievance, Ms Shenoy, drew the attention of the Court to the prayers addressed before the NGT in O A No 15 of 2014 which read as follows :

- "a) Direct the respondent authorities to restrict the use of plastic bottles and multi-layered plastic package by imposing a ban on packaging of carbonated soft drink and liquor immediately and to gradually phase out the use of plastic packaging for all other non-essential items in view of the consequences on environment and human health;
- b) Direct the Union of India to consider make appropriate changes in the Plastic Waste (Management and Handling) Rules, 2011 to restrict the use of plastic for packaging

1 "NGT"

purpose of various other non-essential consumer items such as hair oils, shampoo, etc.;

c) Direct the Union of India to issue directions under Section 5 of Environment Protection Act to restrict the use of plastic for packaging purpose of various other non-essential consumer items such as hair oils, shampoo, etc.;

d) Direct the Union of India to take steps on implementation of recommendations of Khwaja Committee Report;

e) Direct the respondents to ensure that effective measures are taken to make responsible the seller of products using plastic material for packaging to recycle and/or dispose of the packaging material in an authorized and approved manner;

f) Direct the respondents to adopt the principle of "Extended Producer's Liability" and ensure that commercial entities using of such non-biodegradable plastic packaging internalize the health and environmental costs of using such packaging; and

Pass any such order, as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

3 Adverting to some of the salient features, it was submitted that the main grievance of the appellant pertains to **health hazards** in the use of plastic packaging in connection with food and edible preparations. On the other hand, it was submitted that O A No. 606 of 2018 deals with compliance of the Plastic Solid Waste Management Rules, 2016. Hence it has been urged that the tagging of O A No. 15 of 2014 is not correct since the issues which have been raised by the appellant would have to be dealt with independently.

4 During the course of the hearing we found that prayer b in O A No. 15 of 2014, deals with provisions of the Plastic Waste (Management and Handling) Rules 2011. Ms Shenoy submitted that the appellants would not at this stage, seek to press prayer b in the course of O A No. 15 of 2014 and, if it becomes necessary to do so, the appellants

would apply for an appropriate intervention during the course of O A No. 606 of 2018 on that issue.

5 Dr Abhishek Manu Singhvi, learned Senior Counsel appearing for the tenth respondent placed on the record a copy of the order of the NGT dated 12 October 2018 which contains, *inter alia*, the following directions:

“We further modify the order dated 20.08.2018 of O.A. No. 606 of 2018 (Compliance of Municipal Solid Waste Management Rules, 2016) and to clarify that the implementation and compliance of Plastic Waste Management Rule, 2016, Construction and Demolition Waste Rules, 2016 and Bio-medical Waste Rules, 2016 will also be included in the scope of our order dated 20.08.2018 for Apex and the Regional Committees. However, the Apex and Regional Committees may opt concerned Members/Departments of States and UTs dealing with these issues.”

6 From the material which has been placed on record it is evident that the issues which have been raised by the appellants in OA No. 15 of 2014 are distinct from those which arise in O A No. 606 of 2018. The former pertains to the health hazards posed by the use of plastic packaging in connection with food and edible preparations.

7 In this view of the matter, we direct that O A No. 15 of 2014 be de-linked from the hearing of O A No. 606 of 2018.

8 We have been constrained to intervene at this stage in view of the fact that there would be a miscarriage of justice if OA 15 of 2014 which raises distinct issues of public health were to be relegated for hearing with OA 606 of 2018. OA 15 is of the year 2014 while OA 606 is of 2018.

9 We clarify that we have not expressed any view on the merits. The appeals are accordingly disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Hemant Gupta]

**New Delhi;
May 10, 2019.**

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).4626-4627/2019

HIM JAGRITI UTTARANCHAL WELFARE SOCIETY

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 10-05-2019 These appeals were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s) Ms. Anitha Shenoy, Sr. Adv.
Ms. Srishti Agnihotri, AOR
Ms. Sharon Mathew, Adv.
Ms. Meera Gopal, Adv.
Mr. Saurabh Sharma, Adv.
Ms. Kanika Sood, Adv.

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Pinaki Mishra, Sr. Adv.
Mr. Ritin Rai, Sr. Adv.
Mr. K. R. Sasiprabhu, AOR
Mr. Biju P. Raman, Adv.
Mr. Rohit Chandra, Adv.
Mr. Aabhas Kshetrapal, Adv.
Mr. Avishkar Singhvi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals are disposed of in terms of the signed order.

Pending applications, if any, are disposed of.

(POOJA CHOPRA)
COURT MASTER

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)