

Item No. 03

Court No. 1

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

(By Video Conferencing)

Original Application No. 851/2018

Amit Jain

Applicant(s)

Versus

Union of India

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**

Respondent(s): Mr. Raj Kumar, Advocate for CPCB

**ORDER**

1. The issue for consideration is the remedial action against cheap waste paper and the road sweep waste import for firing of brick kilns. According to the applicant, 900,000 tons of waste is imported which is hazardous.

2. The matter has been considered earlier on several occasions and it was found that there was absence of proper mechanism for plastic waste management, including cheap waste paper and imported hazardous road sweep waste. According to the CPCB, it has written to the MoEF&CC but MoEF&CC has not taken any action.

3. On 06.12.2019, the Tribunal *inter-alia* observed:-

“

4. *The matter was further considered on 06.09.2019 with reference to the report dated 28.06.2019 as follows:*

“Report dated 28.06.2019 acknowledges that there is no proper mechanism for plastic waste management **which was being dumped in open or burnt in brick kilns resulting in pollution.** Action taken by the CPCB is the issuance of directions. MoEF&CC is to deal with the issue of transboundary movement (import/export) hazardous and other wastes.

The report cannot be taken as adequate action. Apart from issuance of direction, compliance of direction is required to be overseen. **Even with regard to illegal import, CPCB as a statutory regulator can take up the matter with the concerned authorities.** This Tribunal vide order 26.08.2019 in O.A. No. 804,2017, *Rajiv Narayan v. UOI* has already issued direction for restricting import of hazardous waste and vide order dated 22.07.2019 in E.A. No. 13/2018, *CPCB v. State of Andaman & Nicobar & Ors.* directions have been issued with regard to management of plastic waste. These directions need execution.

Let further steps be taken in the matter accordingly and report filed before the next date by e-mail at [judicialngt@gov.in](mailto:judicialngt@gov.in).”

5. Accordingly, report dated 10.10.2019 has been filed on behalf of the CPCB to the effect that 9 SPCBs/PCCs have provided information related to number of pulp and paper units importing waste paper containing plastic in their respective jurisdiction to CPCB. (Table-1). Out of 9 States, 3 States (Tamil Nadu, Punjab & Odisha) have issued directions to Pulp & paper units which are involved in importing waste paper containing plastic in their state to manage imported waste paper containing plastic in accordance with the provisions of PWM rules, 2018. Table – I in the report is as follows:-

S. No.	Name of the SPCB/PCC	No. of pulp & paper unit importing waste paper	Quantity of waste paper (B3020) for Hazardous Waste Authorization (HWA)
1.	Tamil Nadu	57	23,94,081 TPA
2.	Punjab	21	Not provided
3.	Odisha	1	Not provided
4.	Arunachal Pradesh	Nil	Nil
5.	Chandigarh	Nil	Nil
6.	Lakshadweep	Nil	Nil
7.	Mizoram	Nil	Nil
8.	Nagaland	1 (Not in operation)	Nil
9.	Tripura	Nil	Nil

”

6. *CPCB has also written to the MoEF&CC for further action.*
7. *In view of the above, let MoEF&CC furnish its action taken report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).*”

4. No report has been filed by the MoEF&CC nor any one is present which is happening in several important cases as already noted in O.A. No. 15/2014 and E.A. No. 13/2019, listed today. In E.A. No. 13/2019, we have directed the concerned Joint Secretary, MoEF&CC to remain present during the hearing by way of video conferencing.

5. Accordingly, in the present case also, the MoEF&CC may file its response before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Joint Secretary MoEF&CC may remain present during the hearing on the next date.

List again on 14.10.2020.

A copy of this order be sent to the Secretary, MoEF&CC by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 10, 2020  
Original Application No. 851/2018  
SN

