

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

**Review Application No. 01 of 2017
(M.A. No. 98/2017 & M.A. No. 100/2017)**

**In
Original Application No. 281 of 2016
And**

**Original Application No. 04 of 2017 (T_{HC})
(WP (C) No. 7012/2012)
(M.A. No. 958 of 2017)**

Kudrat Sandhu Vs. Govt. of NCT & Ors.

**And
All India Plastic Industries Association & Anr.
Vs.
Govt. of NCT of Delhi & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: Applicant:

**Mr. Arun Monga and Ms. Divya Sharma,
Adv.,
Mr. V. Shekhar, Sr. Adv, and Mr. Kundan
Kumar Mishra,
Adv. for Review Application
Mr. Tarunvir Singh Khehar and Ms. Guneet
Khehar, Adv.
Dr. Abhishek Atrey, Adv & Ms. Megha Tyagi,
Adv.
Ms. Puja Kalra, Adv. for North MCD and
South MCD
Ms. Priyanka Sinha, Adv.
Mr. Rajkumar with Mr. Bhupender, LA, Adv.
For CPCB
Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta,
Adv. for MoUD
Mr. V.K. Shukla, Adv. for State of MP Mr.
Rajiv Bansal, Mr. Kush Sharma and and Mr.
Anirudh, Mr. Lalit Mohan Adv. for Delhi
Development Authority
Ms. Deepshikha Bharati, Adv., Mr. Tarunvir
Singh Khehar, Ms. Guneet Khehar, Adv. Mr.
Balendu Shekhar, Adv. , Ms. Sakshi Popli.,
Ms. Pritika Kumar, Ms. Ishita Bisht, Adv.
Mr. Biraja Mahapatra, Mr. Dinesh Jindal, LO,
ADvs. for DPCC
Mr. Anchit Sharma, Mr. Satmita Ghosh, Adv.
Mr. Balendu Shekhar, Adv. for Central
Pollution Control Board
Mr. Mohit Chugh, Mr. Dinesh Jindal, LO fopr
Delhi Pollution Control Committee**

Respondent Nos. 1&2:

Respondent No. 7:

Date and Remarks	Orders of the Tribunal
Item No. 09 & 10 August 10, 2017	<p>We have heard the Learned Counsels appearing for the parties for some time.</p> <p>The Learned Counsels submit that they need further time to address the Tribunal on matter of law that arise</p>

	<p>Item No. 09 & 10</p> <p>August 10, 2017</p>	<p>for consideration in the present case. Thus we accept the request made by the parties.</p> <p>List the matter for arguments on 29th August, 2017 at 2:00 P.M.</p> <p>In the meanwhile, we must express our dissatisfaction to the manner in which the Government of NCT Delhi has taken steps to implement the directions of the Tribunal to prevent and control the pollution and environmental degradation resulting from indiscriminate use and dumping of plastic waste, more particularly, the carry bag of thickness less than 50 microns which are being used in the market and it is one of the principal ingredients of environment hazards in Delhi. They cause serious problem of environmental degradation, damage to public health and even to the animals in the entire NCT of Delhi. Even the sewer lines get choked because of dumping of plastic everywhere and as they are non-compostable, they block the drains and create permanent impediment in the flow, resulting in floods on the roads of Delhi. Their non-degradable and non-compostable features are constant source of serious environmental pollution and degradation.</p> <p>Lastly, even the animals are subjected to diseases and even death, as a result of consumption of plastic which is normally mixed with wet wastes on the road sides and the animals eat in normal course. The public authorities have failed to implement the directions and take preventive and precautionary steps, which is their statutory obligation. Consequently, we direct that there</p>
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	<p>Item No. 09 & 10</p> <p>August 10, 2017</p>	<p>shall be complete prohibition on use of plastic carry bags, made of plastic less than 50 microns and are non-compostable in entire NCT Delhi, for any purpose whatsoever.</p> <p>The NCT Delhi, Delhi Pollution Control Committee and all public authorities/local bodies shall ensure that sale, storage and use of such plastic at the shops or otherwise is not permitted. If any person is found in possession or uses such plastic, shall be liable to pay Environmental compensation of Rs. 5000/- per default. This is an interim direction which would be changed appropriately, after hearing finally.</p> <p>NCT Delhi, Delhi Pollution Control Committee and Public Authorities/local bodies shall file an Affidavit of the senior most officer concerned as to how the directions issued by the Tribunal in the case Almitra H. Patel as well as Kudrat Sindhu are being implemented, particularly, in relation to use and dumping of plastic all over Delhi.</p> <p>Such direction has been necessitated not only on facts as they appear in NCT Delhi but even is the spirit of the Plastic Waste Management Rules, 2016. All the stocks of such plastic must be seized for which we grant one weeks time, after which no plastic shall be used, as directed above, in entire NCT Delhi.</p> <p>The Central Pollution Control Board also submits that there shall be total ban on use of plastic in NCT Delhi. He further submits that manufacturing should also be banned, besides the use and circulation of plastic bags.</p> <p>List this matter on 29th August, 2017 at 2:00 P.M.</p>
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