



F.No.B-11011/UPC-II/PWM(Direction)/2020-21

Date: 8.10.2020

To,

M/s. FlipKart Private Limited

Essae Vaishnavi Summit, No. 6/B, 7th Main, 80 Feet Road,
Koramangala Industrial Layout, Bangalore-560 034

Sub: -SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 FOR NON-COMPLIANCE TO PLASTIC WASTE MANAGEMENT RULES, 2018

WHEREAS, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under; and

WHEREAS, the Ministry of Environment, Forest & Climate Change has notified Plastic Waste Management Rules, 2016, as amended 2018 which inter-alia prescribes specifications with regard to registration of Producers/Brand Owners/Importers and stipulate procedures for Plastic Waste Management.

WHEREAS, Under Rule 9(1) of Plastic Waste Management Rules, 2016 The producers, within a period of six months from the date of publication of these rules, shall work out modalities for waste collection system based on Extended Producers Responsibility and involving State Urban Development Departments, either individually or collectively, through their own distribution channel or through the local body concerned;

WHEREAS, Under Rule 9(2) of Plastic Waste Management Rules, 2016 Primary responsibility for collection of used multi-layered plastic sachet or pouches or packaging is of Producers, Importers and Brand Owners who introduce the products in the market. They need to establish a system for collecting back the plastic waste generated due to their products. This plan of collection to be submitted to the State Pollution Control Boards while applying for Consent to Establish or Operate or Renewal.

WHEREAS, Under Rule 13(1) of Plastic Waste Management Rules, 2016 No person shall manufacture carry bags or recycled plastic bags or multi-layered packaging unless the person has obtained a registration from the State Pollution Control Board or the Pollution Control Committee of the Union Territory concerned, as the case may be, prior to the commencement of production;

Contd...

WHEREAS, Under Rule 13(2) of Plastic Waste Management Rules, 2016 Every producer or brand-owner shall, for the purpose of registration or for renewal of registration, make an application in Form-I to

- i. "The concerned State Pollution Control Board or Pollution Control Committee of the Union territory, if operating one or two States or Union Territories"; or
- ii. "The Central Pollution Control Board, if operating in more than two States or Union Territories".

WHEREAS, Original Application no 997/2018 regarding excessive use of plastic packaging materials by Amazon and Flipkart.com in the course of e-marketing in violation of EPR PWM rules,2016 has been filed in Hon'ble NGT.

WHEREAS, CPCB has issued letter no. B-17011/7/PWM(MLP)/2018/12688 dated 13.11.2018, letter no. B-17011/7/PWM(corres)/2019/8541 dated 06/11/2019 and Email dated March 4 ,2020 to M/s FlipKart. Ltd. for submission of the application for registration under provision of PWM Rules, 2018.

WHEREAS, M/s Instakart Services private Ltd has informed that M/s Flipkart Private limited is their holding company, registered in Singapore and M/s Instakart is engaged in the business of providing logistics and fulfilment services to group companies

WHEREAS, vide reports submitted in the matter of OA no. 997/2019 in December, 2019 , June 2020 and September 2020, CPCB has informed Hon'ble NGT that M/s Flipkart Pvt. Ltd is required to submit application for registration directly to CPCB or provide requisite documents supporting its linkage with M/s Instakart Services Pvt. Ltd.

WHEREAS, no communication has been received from M/s Flipkart Pvt. Ltd till date on the matter.

WHEREAS, Hon'ble NGT in its Order dated September 10th, 2020 in OA no. 997/2019 and 28/2020 has directed CPCB to take coercive action against the non-complying units.

NOW THEREFORE, in view of above and in exercise of the powers vested under Section 5 of the Environmental (Protection) Act, 1986, M/s Flipkart Private limited is hereby directed to Show Cause as to why the following action should not be taken against it for not complying with PWM Rules, 2018.

- i) Closure of operations of the unit.
- ii) Levying of Environment Compensation for non-compliance of provisions of PWM Rules, 2018.

M/s Flipkart Private limited is hereby given an opportunity to submit its reply within 7 days from issuance of these Directions, failing which appropriate action will be taken against it under the provision of Environmental (Protection) Act, 1986.

/
(Shiv Das Meena)
Chairman

Copy to:

1. **Joint Secretary (CP Division)** : For kind information please
Ministry of Environment, Forests &
Climate Change
Indira Paryavaran Bhawan, Jor Bagh
Road, New Delhi, 110003

- ✓ 2. **Incharge, IT Division** : For uploading on CPCB
CPCB website

✓
/PS
(Prashant Gargava)
Member Secretary