File No.: CP-20/94/2021-UPC-II-HO-CPCB-HO

April 08, 2025

To,

M/s. Enviro Recyclean Private Limited
Khasra No. 373/1, 373/10, Gram Rajoda,
Tehsil - Sanwer, Indore 453551

Directions under Section 5 of the EPA, 1986 regarding compliance of various provisions under Schedule-II of Plastic Waste Management Rules, 2016, i.e., Guidelines on Extended Producer Responsibility (EPR)

WHEREAS, the Ministry of Environment, Forest & Climate Change (MoEF&CC) has notified Plastic Waste Management Rules, 2016, in exercise of the powers conferred under sections 3, 6 & 25 of the Environment (Protection) Act, 1986 vide Notification No. G.S.R 320 (E) dated March 18, 2016; and

WHEREAS, Guidelines for Extended Producers Responsibility for Plastic packaging were notified by MoEF&CC on February 16, 2022 as Schedule-II of the Plastic Waste Management Rules, 2016; and

WHEREAS, as per Section 6.1(a) of the EPR Guidelines, "The following entities shall register on the centralized portal developed by Central Pollution Control Board namely: - (1) Producer (P); (ii) Importer (1); (iii) Brand owner (BO), (iv) Plastic Waste Processor engaged in (a) recycling, (b) co-processing (c) waste to energy, (d) waste to oil, and (e) industrial composting; and

WHEREAS, as per Section 11.5 of the EPR Guidelines, only plastic waste processors registered under Plastic Waste Management Rules, 2016, as amended, shall provide certificates for plastic waste processing. which shall be considered for fulfilment of Extended Producer Responsibility obligations by Producers, Importers & Brand-Owners; and

WHEREAS, as per Section 11.6 of the EPR Guidelines, the pro forma for the certificate shall be developed by Central Pollution Control Board. In no case, the amount of plastic packaging waste recycled by the enterprise shall be more than installed capacity of the enterprise. The certificates will be for plastic packaging category-wise and shall include GST data of the enterprise; and

WHEREAS, as per Section 11.4 of the EPR Guidelines, at any stage it is found that the information provided by the plastic waste processor is false, the plastic waste processor shall be debarred by State Pollution Control Board, as per procedure laid down by Central Pollution Control Board, from operating under the Extended Producer Responsibility framework for a period of one year; and

WHEREAS, CPCB has issued guidelines for Assessment of Environment Compensation to be levied for violation of Plastic Waste Management Rules, 2016 (as amended); and

WHEREAS, CPCB has developed the Guidance manual for operating Centralized EPR Portal including registration procedure, procedure for generation and transfer of EPR certificates & filling of annual report by PIBOs & PWPs; and

WHEREAS, CPCB issued Directions dated 21.12.2022 to all PWPs to upload GST E-Invoice of all transactions related to plastic packaging; and

WHEREAS, several news articles have been published in the national as well as the local newspapers on authenticity of the EPR certificates being generated by the registered PWPs; and

WHEREAS, CPCB has made provisions on the EPR portal for strengthening of process of generation of EPR certificates by PWPs which permit uploading of GST e-Invoices only after successful verification of uploaded details from GSTN portal; and

WHEREAS, Instruction sheet for uploading of GST e-Invoices for sale of product by PWPs is available on the EPR Portal; and

WHEREAS, GST E-invoice for sale of recycled plastic /cement/cement clinker uploaded by your unit on the EPR Portal, post integration of GST E-Invoice verification mechanism as mentioned above, for the purpose of generation of EPR Certificates has been examined and the following anomalies have been observed;

(i) *Recycled plastic was being sold by your unit at incredibly low price (i.e. Rs. 1 /kg) wherein the market price lies in the range of Rs.50/- to Rs,100/- per kg*

WHEREAS, Aforementioned anomalies indicate that invalid documents have been uploaded as GST E-Invoice on the EPR Portal for the purpose of generation of EPR Certificates, thereby challenging the authenticity of corresponding EPR Certificates generated; and

WHEREAS following the aforementioned malpractices, your unit has generated EPR Potential of 601.54 T; and

WHEREAS, in view of above, CPCB has temporarily blocked your account to restrict further generation of such EPR Certificates on the Centralized EPR portal for plastic packaging; and

WHEREAS, providing false information for the purpose of generation of EPR Certificates on the Centralized EPR Portal is in gross violation of PWM Rules;

NOW THEREFORE, in view of above and in exercise of the powers vested under of Section 5 of the Environment (Protection) Act, 1986 to Chairman, Central Pollution Control Board (CPCB), show cause notice is hereby issued as to why the following action should not be taken against your unit for gross violation, as per aforementioned details, of Plastic Waste Management Rules, 2016 (as amended):

1. Cancellation of Registration

2. Levying of Environmental Compensation (EC) charges

Your unit is hereby given an opportunity to submit its reply or take necessary action within 10 days of issuance of this notice, failing which appropriate action will be taken against your unit under the provision of Environmental (Protection) Act, 1986.

(Amandeep Garg)
Chairman