



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
 MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

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

22 October , 2021

To,

Gutkha/Pan Masala Manufacturers (As per list)

Sub: Directions under Sec 5 of Environment (Protection) Act, 1986 for enforcement of provisions of Plastic Waste Management (PWM) Rules for storing, packing or selling gutkha/pan masala and tobacco products in all forms.

WHEREAS in exercise of Powers under Section 6, 8 and 25 of the Environment (Protection) Act, 1986, Ministry of Environment, Forest & Climate Change (MoEF&CC) has notified Plastic Waste Management (PWM) Rules vide Notification no. G.S.R 320(E) dated March 18, 2016; and

WHEREAS under Rule 4(f) of PWM Rules 2016 - Sachets using plastic material shall not be used for storing, packing or selling gutkha, tobacco and pan masala in all forms; and

WHEREAS under Rule 4 (i) of PWM Rules 2016- Plastic material, in any form including Vinyl Acetate - Maleic Acid - Vinyl Chloride Copolymer, shall not be used in any package for packaging gutkha, pan masala and tobacco in all forms; and

WHEREAS in view of above, gutkha/pan masala manufacturers are prohibited from usage of plastics in any form in packaging of their products; and

WHEREAS samples of gutkha/pan masala manufactured by your industry were collected during market survey and it has been observed that plastic is being used in packaging of gutkha/pan masala; and

WHEREAS Show cause notice dated February 05, 2021 was issued to your industry vide as to why action including levying Environmental Compensation and / or closure of gutkha/pan masala manufacturing operations should not be taken against the unit for violation of PWM Rules; and

WHEREAS vide letter dated ... (as per unit's response).

WHEREAS inspection of your unit was to be conducted on July 06, 2021. However inspecting CPCB officials were not allowed to enter the unit's premises by the unit representatives; and

WHEREAS Plastic Waste Management Rules were notified in 2016, wherein the use of plastics is prohibited for packaging of tobacco products in all forms, however, plastic is still being used by your industry in packaging of gutkha/pan masala; and

WHEREAS usage of plastic for packaging of gutkha/pan masala is in violation Plastic Waste Management Rules, 2016; and

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WHEREAS in compliance of Hon'ble NGT Directions, dated, Sep 10, 2020 in O.A. 247/2017, CPCB framed the Guidelines for levying Environment Compensation(EC) for violation of PWM Rules; and

WHEREAS Hon'ble NGT directions vide order dated 08.01.2021 on the matter, directed that EC and penal action regime proposed by the CPCB may be duly implemented by the CPCB, State PCBs/PCCs, State Level Monitoring Committees and all other concerned authorities; and

WHEREAS as per the EC Regime prepared by CPCB, Environmental Compensation @Rs.5000/- per ton of plastic used is to be levied in packaging of tobacco products.

NOW, THEREFORE, in view of the above and in exercise of the powers vested under Section 5 of EPA, 1986, the following directions are issued to (name of the unit).

1. The industry shall close down its operations with immediate effect and not resume its operations till it switches over to environmentally sound alternatives
2. The industry shall submit a time bound action plan to switchover to environmentally sound alternatives
3. The unit shall pay **Rs. 25,00,000/-** (Twenty Five lakhs only) as interim Environmental Compensation charge for violation of Plastic Waste Management Rules, 2016 to CPCB (A/c No. 532702050000164, Bank Name: Union Bank Of India, IP Extension Branch, Vikashmarg Ext, Delhi, IFSC: UBIN0553271). In case of delay, simple interest @12% shall be levied for the delay period (delay period shall be calculated after 15 days of issues of this direction *till* the date of EC deposited by the unit).
4. The unit shall provide details of the EC amount deposited to CPCB within 15 days from the date of receipt of the direction The EC deposited in the CPCB account will be spent by CPCB as per EC utilization policy as approved by Hon'ble NGT.

You are required comply with above Directions and submit compliance report within 15 days of issue of this Directions, failing which CPCB shall be constrained to take action as deemed fit under Section 5 of EPA

13A/2410
(Tanmay Kumar) 
Chairman

Copy to:

1. The Joint Secretary (CP Division)
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan, JorBagh Road,
New Delhi -110003
2. The Member Secretary : To ensure compliance of Directions

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3. Incharge , IT Division



(PrashantGargava)
Member Secretary

o/c

List of Gutkha/Pan Masala Manufacturers

S.No.	Name of industry
1.	M/s. PrabhuAastha Enterprises(P), Ltd, Unit – B, 123/779, Fazalganj, Kanpur-208012, Uttar Pradesh
2.	Mirage Products Pvt Ltd, Mirage Campus Nathdwara, 313301 Rajsthan India