



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.CP-20/28/2021-UPC-II-HO-CPCB-HO-Part(1)

26 May, 2023

To,

M/s. Trimurti Fragrances Pvt. Ltd.
133/231-A, Transport Nagar, Kanpur,
Uttar Pradesh 208023

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 26-02-2021, the unit has contested that samples have been collected without their knowledge and same are not manufactured by the company.

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, your unit was inspected on July 06, 2021 by CPCB and samples of packaging material for Guthkha / pan masala were collected from your unit and tested by CPCB; and

WHEREAS, the test reports confirmed that plastic material was being used for packaging of Guthka/ pan masala in your industry; and

WHEREAS, based on the findings of the sample reports, following confirmed directions dated 22.10.21 was issued to your industry

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 industry shall deposit EC of Rs.1.7 Crores with CPCB (A/c No. 532702050000164, Bank Name: Union Bank Of India, IP Extension Branch, Vikash marg 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).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.

WHEREAS, vide letter dated **29.11.2022** unit has submitted affidavit confirming test report for environmentally sound alternatives, submission of Environmental Compensation Rs. 1.7 Crores and confirmed closure of operations from 21.04.2022

WHEREAS, vide letter 12.12.2022 dated CPCB has issued revocation direction to your unit.

WHEREAS, as per Rule 18 of PWM Rules "The Environmental Compensation shall be levied based upon polluter pays principle, on persons who are not complying with the provisions of these rules, as per guidelines notified by the Central Pollution Control Board"; 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; and

WHEREAS the unit has remained operational during the period **November 2021 to April 2022** (0.4 years), which is in violation of Directions dated 22.10.21 as evident from the affidavit confirming the actual date of closure submitted by the unit. Also, the Unit has paid EC as per Directions dated 22.10.2021 on 28.11.2022. Hence, interest on the EC levied as per the said Directions for the intervening period is payable.

Accordingly, additional EC of Rs. 13.6 Lakhs (Rupees Thirteen Lakhs Sixty Thousands only) and interest of Rs. 20.4 lakhs (Rupees Twenty Lakhs Forty Thousand only) is to be paid by the Unit. The industry shall deposit balance EC of Rs. 34 lakhs (Thirty four lakhs only) as per aforementioned details.

NOW THEREFORE In view of above and in exercise of powers vested under Section 5 of EPA, the following directions are issued to your industry:

1. The industry shall deposit balance EC of **Rs. 34 lakhs (Thirty Four Lakhs only)** as per aforementioned details.

You are required comply with above Directions and submit compliance details 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.

(Naresh Pal Gangwar)
Chairman *guy*

Copy to:

1. The Additional Secretary (CP Division)
Ministry of Environment, Forests & Climate
Change
Indira Paryavaran Bhawan, JorBagh Road,
New Delhi -110003
2. The Member Secretary
Uttar Pradesh Pollution Control Board,
Building.No. TC-12V VibhutiKhand, Gomti
Nagar Lucknow-226 010
3. The Regional Director
Regional Directorate - Lucknow
PICUP Bhawan, Vibhuti Khand, Gomti Nagar,
Lucknow - 226010
4. Incharge , IT Division

: To ensure compliance of
Directions

Prashant
(Prashant Gargava)
Member Secretary