



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.CM-12016/2/2023-LAW-HO-CPCB-HO

04 July, 2023

To,

M/s Kay Flavours Pvt. Ltd. (Kamla Pasand)
B-2, Amausi Industrial Area
Naderganj, Lucknow,
Uttar Pradesh - 226008

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 Kamla Pasand 28/114, Pheel Khana; Kanpur, Uttar Pradesh-208001 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 25.02.2021 unit has claimed that they are not using plastic for packaging of its products.

WHEREAS, inspection of your unit was to be conducted on July 06, 2021. However inspecting CPCB officials were informed by locals and confirmed by RO Kanpur that

‘परिवेश भवन’ पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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

manufacturing unit has shifted to Lucknow i.e. "KAY FLAVOURS PVT LTD, B-2 Amausi Industrial Area, Naderganj, Lucknow (UP)"

WHEREAS, your unit as per aforementioned details was inspected by CPCB and samples of packaging material for Guthkha / pan masala were collected from your unit; and

WHEREAS, the collected samples were tested at CPCB using FTIR and it was reported that plastic material was being used for packaging of Guthkha/ pan masala in your industry; and

WHEREAS, the unit has submitted representation dated 28.02.2023 unit wherein it was informed that it was not using plastic for packaging of its products and submitted the CIPET test report for the same ; and

WHEREAS, in view of the representation submitted by the unit, the samples collected by CPCB during inspection were sent to CIPET for testing; and

WHEREAS, CIPET conducted tests in addition to FTIR test, including ASTM D 348 (Differential Scanning Calorimetry) and ASTM E 1868 (Thermogravimetry) on the test samples and concluded that the base material of the test sample is paper and metallized foil -ethylene acrylic based dispersion coating was found on the metallized foil and acrylic based coating was found on the printed side;

NOW THEREFORE, in view of the aforementioned points and in exercise of the powers vested under Section 5 of EPA, 1986 **M/s Kay Flavours Pvt. Ltd.**, allowed to resume its manufacturing operations with following conditions

- i. Industry should not start its manufacturing operations without obtaining valid Consent to Operate from Uttar Pradesh Pollution Control Board.
- ii. Industry shall continue to use plastic-free material as reported for packaging of its products

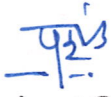
In case the unit fails to comply with the above conditions, CPCB will be constrained to initiate further action against the unit including withdrawal of revocation direction, in accordance with provisions of Environmental (Protection) Act, 1986, without any further notice.


(Tanmay Kumar)
Chairman



Copy to:

1. The Additional Secretary (CP Division) : for information, please
Ministry of Environment, Forests & Climate
Change
Indira Paryavaran Bhawan, Jor Bagh Road,
New Delhi -110003
2. The Member Secretary : To ensure compliance of
Uttar Pradesh Pollution Control Board, Directions
Building.No. TC-12V Vibhuti Khand,
Gomti Nagar, Lucknow-226 010
3. The Regional Director : for follow up with SPCB
Regional Directorate - Lucknow
PICUP Bhawan, Vibhuti Khand, Gomti
Nagar, Lucknow – 226010
4. Incharge , IT Division : for uploading on CPCB's
website


(Prashant Gargava)
Member Secretary

o/c

