

GAHC010163942023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/55/2023

DHRUBA JYOTI BORAH
S/O- L.K. BORAH, R/O- HOUSE NO. 8, UDAYNAGAR, KAINADHARA, RAJIB
GANDHI PATH, KHANAPARA, GUWAHATI-781022, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY ITS CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, SACHIVALAYA, DISPUR, GUWAHATI-781006, ASSAM

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EXCISE DEPARTMENT
SACHIVALAYA
DISPUR GUWAHATI-781006
ASSAM

3:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
SACHIVALAYA
DISPUR GUWAHATI-781006 ASSAM

4:POLLUTION CONTROL BOARD
REPRESENTED BY ITS CHAIRMAN
ANURADHA CINEMA COMPLEX
MANIRAM DEWAN ROAD
BAMUNIMAIDAM GUWAHATI
ASSAM PIN- 781021.

5:THE MEMBER SECRETARY
POLLUTION CONTROL BOARD
ANURADHA CINEMA COMPLEX
MANIRAM DEWAN ROAD
BAMUNIMAIDAM
GUWAHATI PIN- 781021.

6:DIRECTORATE OF MUNICIPAL ADMINISTRATION
REPRESENTED BY ITS DIRECTOR
DISPUR GUWAHATI
ASSAM PIN- 781006.

7:THE DIRECTOR

DIRECTORATE OF MUNICIPAL ADMINISTRATION
DISPUR GUWAHATI
ASSAM PIN- 781006

For the petitioner : Mr. Dhruva Jyoti Borah, petitioner-in-person
For the respondents : Mr. D. Gogoi,
S.C. Forest & Excise Department
Mr. N. Das, Govt. Advocate, Assam
Mr. S. Baruah, S.C., PCB

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

12-06-2024

(Vijay Bishnoi, C.J.)

By this petition in public interest, the petitioner has raised his grievance that the State Government is allowing plastic Holographic Excise Adhesive Label (in short, "HEAL") stickers pasted in each and every Indian Made Foreign Liquor (IMFL) bottle. The contention of the petitioner in the petition is that use of plastic material is prohibited under the Plastic Waste Management Rules, 2016 (hereinafter referred to be as "2016 Rules") and therefore, the action of the Excise Department of allowing the manufacturers to paste plastic HEAL stickers on every IMFL bottle is illegal.

Counter affidavits have been filed on behalf of the Excise Department as well as Pollution Control Board in which it is highlighted that in the 2016 Rules,

use of plastic HEAL sticker is not prohibited.

The petitioner has submitted that several other States are using paper made HEAL stickers and therefore, direction be issued to the State Government to allow the manufacturers of the IMFL bottles to use paper made HEAL stickers instead of plastic made HEAL stickers on IMFL bottles.

Having heard the learned counsel for the parties and after going through the pleadings, we are of the view that if the provisions of 2016 Rules do not prohibit use of plastic made HEAL stickers, it cannot be said that there is any illegality in the action of the Excise Department in allowing the manufacturers to use plastic made HEAL stickers on the liquor bottles.

So far as the prayer of the petitioner for directing the State authorities to start manufacturing or circulation of paper made HEAL stickers is concerned, the petitioner can very well approach the State government with appropriate representation seeking redressal of his grievance.

At this stage, the petitioner prays that he wants to withdraw this PIL petition with liberty to approach the State Government for redressal of his grievance.

In view of the above, this PIL petition is dismissed as withdrawn with the liberty, as prayed for.

JUDGE

CHIEF JUSTICE

Comparing Assistant