

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.33236 & 33250 OF 2012

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COMMON ORDER:

These petitions are filed for a writ of *Mandamus* declaring the action of the respondents in seizing and destroying the plastic disposable containers such as Tea Cups, Coffee Cups, Juice glass, drinking water glasses, and Ice Cream Cups, Carry Bags printed and unprinted, produced by the petitioners in the name of KDM, Navya Cello and Kohinoor Brands, in WP.No.33236/2012 and N.R.Classic, N.R.Deluxe and N.R.Ganga and Gurudev Brands in WP.No.33250/2012 with 40 microns thickness, from the dealers, wholesalers, retailers who are marketing the products of the petitioner in various districts such as Nellore, Kavali, Gudur and Venkatagiri in SPSR Nellore District, as illegal and arbitrary and in contrary to the instructions issued by the Government in G.O.Ms.No.158, Municipal Administration, Urban Development (F-II) Department, Dated 04.04.2006 and Government Memo No.1881/W2/2010-1, Municipal Administration, Urban Development (F-II) Department, dated 01.10.2010.

Since the subject matter of these writ petitions is one and the same, they are being disposed off by this common order.

Heard both sides.

The respondents 3, 4, 5 and 6 filed counter affidavit stating that since the petitioners violated the guidelines mentioned in G.O.Ms.No.25, dated 30.03.2001, G.O.Ms.No.158, dated 04.04.2006, they have taken action against the petitioners. It is also stated that the petitioners are manufacturing plastic carry bags and disposable containers having less than 20 microns in

thickness.

The 10th respondent produced proceedings dated 29.12.2012 along with counter affidavit stating that while according permission to the petitioners for the production of Plastic Cups-10 TPA, Plates-50 TPA, Bags-10 TPA, Flexographic-5 TPA capacity, the petitioners were asked to comply Plastic (Manufacture, use & Waste Management) Rules, 2011 (*for short 'the Rules'*); that the petitioners' industries are being periodically monitored; and that in case of any violation necessary action will be initiated. It is also stated that the Board has never interfered with the business of the petitioners and that the CFO obtained by the petitioners is valid upto 31.07.2013 and 28.02.2014, respectively, subject to conditions stipulated therein. It is also stated in the said proceedings that the Board will regularly monitor the industry for the production activities concern to comply with the Consent obtained & with the provisions of the Plastic (Manufacture, Use & Waste Management) Rules, 2011. The 10th respondent also filed a copy of the Consent Orders of the petitioners dated 19.11.2012 and 09.09.2011, respectively, wherein the petitioners were asked to comply with the Plastic (Manufacture, Use & Waste Management) Rules, 2011.

This Court on 19.10.2012, already granted interim order in these writ petitions. Today, when these petitions came for hearing, learned counsel for the 10th respondents submits that they are not interfering with the manufacturing activities of the petitioners since the petitioners possess necessary permission for manufacturing various plastic items with 40 microns or more than 40 microns thickness.

The prayer in these writ petitions is that the respondents are interfering with the activities of the petitioners, though they are manufacturing plastic items more than 40 microns in thickness. In view of the same and in view of the submission made by the learned counsel for the 10th respondent, the respondents shall not take any action against the petitioners when they are carrying activities by complying with the provisions of the Plastic (Manufacture, Use & Waste Management) Rules, 2011. However, in case of any violation of the said rules by the petitioners, it is open for the respondent authorities to take action against the petitioners as per the said rules or any amended rules.

Accordingly, these writ petitions are disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petitions shall stand closed.

A.RAJASHEKER REDDY, J

11.08.2015
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