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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9354 of 2025

Date of decision: 19.11.2026

M/s Sai Metro Sales **…..Petitioner**

Versus

State of H.P. and others **…..Respondents**

Coram

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
The Hon'ble Mr. Justice Yogesh Jaswal, Judge.

Whether approved for reporting?[1] Yes.

For the Petitioner **:** Mr. Vikrant Thakur, Senior Advocate with Mr. Vishal Singh Thakur, Advocate.

For the Respondents **:** Mr. Anup Rattan, Advocate General with Mr. Ramakant Sharma, Additional Advocate General, for respondents No. 1 & 2.

Mr. Bharat Bhushan, Senior Panel Counsel, for respondents No. 3 & 4-UOI.

Mr. Dhiraj Thakur, Advocate, for respondent No.5.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has prayed for the following reliefs:-

> "(i) Issue a writ of Certiorari or any other appropriate writ, order or direction, quashing and setting aside the impugned Notification dated 29.03.2025, issued by Respondent No.1, as being *ultra vires* the provisions of Part III of the

[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?Yes***

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Constitution of India and the Environment (Protection) Act, 1986, including the Plastic Waste Management Rules framed thereunder; and

(ii) Declare that the Respondent No.1 has acted without and/ or in excess of jurisdiction, and in contravention of the statutory mandate under the Himachal Pradesh Non-Biodegradable Garbage (Control) Act, 1995, thereby rendering the impugned Notification dated 29.03.2025 illegal, arbitrary and *void ab initio;*

(iii) Declare that the impugned Notification dated 29.03.2025 is void and unenforceable in law, for being in direct conflict with the provision of the Environment (Protection) act, 1986, and the Rules framed thereunder."

2. When this case was taken up for consideration on the last date of hearing, this Court passed the following order:-

"Heard for some time.

Learned Senior Counsel for the petitioner submits that leaving other issues raised in the petition aside, the grievance of the petitioner is also that besides restricting the use of the PET water bottle sized up to 500 ml. by the Government Departments, Boards, Corporations, etc. in their indoor official meetings, conferences, events, the sale thereof has been prohibited in private hotels also in the State.

Having perused Notification dated 29th March 2025, our reading of the Notification is that the State, in terms of this Notification has prohibited the use of PET water bottles sized up to 500 ml. by the Government Departments, Boards, Corporations, other State Government Organizations in their all indoor official meetings, conferences, events, as well as in Himachal Pradesh Tourism Development Corporation (HPTDC) hotels and the private hotels in the State. Meaning thereby, that in case it is the Government Department, or Board, or Corporation, or other State Government Organization which is holding some meeting or conference in a private hotel, then the use of such bottle water is prohibited. Otherwise, the use of PET water bottle sized up to 500 ml. in a private hotel for functions other than those being organized by Government Departments, Boards, Corporations, etc. is not prohibited.

At this stage, learned Advocate General submits that though prima facie reading of the Notification is suggestive of what has been noted by the Court hereinabove, however, the case be taken up after a week to enable him to ascertain

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> as to whether this Notification has been supplemented by some other Notification or not.
>
> As prayed for, list on 19.11.2026, to enable learned Advocate General to have instructions."

3. Learned Advocate General submits that observations contained in order dated 04.11.2026 is the correct interpretation of the notification and the same is applicable only to the Government functions be organized in a Government owned hotel etc. or a rivate hotel. The notification does not bar the use of small bottles for functions of private individuals or private entities.

4. The notification dated 29.03.2025 which is under challenge before us reads as under:-

NOTIFICATION

> "WHEREAS, the Governor of Himachal Pradesh, in exercise of the powers conferred under sub-section (1) of Section 3-A of the H.P. Non- Biodegradable Garbage (Control) Act, 1995 and in pursuance to the amended definition of Non-Biodegradable material as specified in the section 2, clause (ee) of the H.P. Non-Biodegradable Garbage (Control) Amendment Act, 2023, has imposed ban vide notification of even number dated 21-01-2025 on certain one time use plastic (Single Use Plastic) items made of non-biodegradable material as well as biodegradable/compostable bags, and authorized certain officers of different Departments to compound any offence against the violators:
>
> AND WHEREAS, it has come to the notice of the Government that the widespread use of polyethylene terephthalate (PET) water bottles, especially smaller ones up to 500 milliliter (ml) size, has led to significant environmental concerns due to their potential for littering. The increasing littering caused by excessive use of small PET water bottles is becoming a visible challenge. The used PET water bottles, when improperly disposed of, contribute to pollution, harm the state's fragile ecosystems and tarnish its reputation as tourism destination.

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> NOW THEREFORE, in view of the State's commitment to environmental protection, the Governor, Himachal Pradesh in continuation of the Notification dated 21" January, 2025 and in exercise of the powers conferred under sub-section (1) of Section 3-A of the H.P. Non-Biodegradable Garbage (Control) Act, 1995, is pleased to order that the use of PET water bottles (size up to 500 ml) by Government Departments, Boards. Corporations, other State Government Organizations in their all indoor official meetings, conferences, events etc. as well as in Himachal Pradesh Tourism Development Corporation (HPTDC) hotels and the private hotels in the State will be prohibited. They will adopt sustainable alternatives, such as, glass bottles, water dispensers/kiosks or steel containers. All Government organizations primarily the Department of Environment, Science Technology & Climate Change, Tourism Department, Education Department, Urban Development Department and the HP State Pollution Control Board shall carry out IEC activities for discouraging the use of small plastic PET water bottles in public places. The Department of Environment, Science Technology & Climate Change and the HP State Pollution Control Board shall take effective measures to further improve the recycling of Plastic (PET) water bottles.
>
> The Governor, Himachal Pradesh, is further pleased to direct that the officers already authorized to compound the offences committed under the Act ibid, sum of penalty specified for compounding of offences' and other terms & conditions vide above referred notification dated 21st January, 2025 shall remain unchanged.
>
> The ban on use of the small PET water bottles will be effective from 1st June, 2025, in the public interest, so that the Government Organizations including HPTDC hotels and the private hotels may dispose of their stocks and no financial loss is caused to them."

5. According to us, this application is self-speaking that use of pet bottles (size up to 500 ml) **by Government Departments, Boards. Corporations, other State Government Organizations in their all indoor official meetings, conferences, events etc. as well as in Himachal Pradesh Tourism Development Corporation (HPTDC) hotels and the private hotels in the State will be**

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prohibited. There is no bar that a pet water bottle size up to 500 ml cannot be used by either a private entity or a private individual while holding a function be it in Himachal Pradesh Toursimg Development Corporation (HPTDC) hotels or private hotels.

6. Therefore, as the notification does not infringe the rights of private individuals at all and it is a self restraint which has been imposed by the respondent-State upon itself and its Corporations and State Government Organizations, this petition, as prayed for by learned Senior Counsel for the petitioner, is closed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

19th November, 2026.
(**yogesh**)