
(2016) 07 SC CK 0117

In the Supreme Court Of India

Case No : Writ Petition (C) No. 856 of 2015

M/s Harsh International

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 18-07-2016

Acts Referred:

Plastic Waste (Management and Handling) Rules, 2011 — Rule 2, 5(d), 5(g)

Citation : (2016) 7 JT 56 : (2016) 7 Scale 571

Hon'ble Judges : Kurian Joseph and Rohinton Fali Nariman, JJ.

Bench : Division Bench

Advocate : Sudhir Chandra, Sr. Adv., Sanjai Kumar Pathak, T.R. Andhyarujina, Sr. Adv., Pravin H. Parekh, Lalit Chauhan, Ms. Ritika Sethi, Abhishekh Deshmukh, (M/s. Parekh & Co.), Advocates, for the Appellant; K. Radhakrishnan, Sr. Adv., Ms. Sushma Manchanda, H.R. Rao, Vijay Prakash, N.K. Karhail, G.S. Makkar, B. Krishna Prasad, Shreekant N. Terdal, Advocates, for the Respondent

Final Decision : Allowed

Judgement

Kurian, J.—;This writ petition is filed with the following prayers:

(i) Issue a Writ, order or direction in the nature of mandamus directing the respondents that the exemption to carry bags as contained under Rule-2 of Plastic Wastes (Management & Handling) Rules, 2011 must be available to the Petitioners also to manufacture exclusively for export its product filter Khaini in plastic packaging or read down the provision contained under Rules 2 and 5 accordingly; and/or

(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents not to prohibit the petitioners' 100% export oriented unit located in the Noida Special Economic Zone from manufacturing its product filter Khaini in plastic packaging meant exclusively for exports purposes.

(iii) Grant such and other further orders as may be deemed just and necessary in the facts and circumstances of the present case.

2. W.P.(C) No. 471 of 2015 on the same issue has been allowed by this Court by following the order dated 03.09.2013 of this Court in W.P. (C) No. 466 of 2011 titled "Baba Global Ltd. v. Union of India" wherein this Court has permitted the use of plastic bags subject to the undertaking. We are informed that the petitioners have already filed the similar undertaking. Hence, subject to compliance of undertaking filed by the petitioners, these writ petitioners would also be exempted from operation of the Plastic Wastes (Management and Handling) Rules, 2011 and this Writ Petition is allowed in terms of the order in Baba Global Ltd (Supra).