

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.188/2014

Toxics Link Vs. U.O.I & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Applicant State of Punjab For PPCB	:Mr. Ritwick Dutta, Ms. Meera Gopal, Advs. :Mr. Naginder Benipal, AAG, Mr. Anil Soni, Adv. :Mr. Ashish Negi, Mr. Rishi Kapoor, Ms. Richa Kapoor, Advs.
For Andaman & Nicobar Admin Respondent Nos. 15 & 44	:Mr. Sarthak Chaturvedi, Mr. Rohit Pandey, Advs. :Mr. Anil Grover, AAG, Mr. Rahul Khurana, Adv., Mr. Sandeep Yadav, Adv.
State of A.P. Respondent Nos.6 & 35	:Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar, Mr. Prashant Mathur, Advs. :Mr. Anil Shri Vastav, Mr. Sanyam Saxena, Mr. Pranav Rishi, Advs. for State of Arunachal Pradesh & State of Pollution Control Board.
Respondent No. 31	:Mr. Mukesh Verma, Mr. Devesh Kumar Agnihotri, Advs.
State of Tripura	:Mr. Gopal Singh, Mr. Varsha Poddar, Advs.
State of Odisha	:Mr. Soumyajit Pani, Adv.
State of Himachal Pradesh	:Mr. Suryanarayana Singh, Sr. Adv.,
State of Bihar and BSPCB	:Mr. Rudreshwan Singh, Mr. Gautam Singh, Advs.
State of Nagaland	:Mr. Edward Belho, AAG, Mr. K. Luikang Michael, Adv., Ms. ELix Gangmei, Adv.
Bureau of Indian Standards MoEF &CC RSPCB	:Mr. Shyam Kumar , Mr. Pawan, Advs. :Mr. Krishna Kumar Singh, Adv. :Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Adv.
Respondent No. 22	:Mr. Tayenjam Momo Singh, Adv. for Meghalaya SPCB.
State of Jharkhand CPCB	:Ms. Priyanka Sinha, Adv. :Mr. Alpana Poddar, Adv. with Ms. Niti Choudhary, L.A.
State of Tamil Nadu & TNPCB Respondent No. 25	:Mr. R. Rakesh Sharma, Adv. standing Counsel :Mr. Manoranjan Paikaray, Adv.
State of Sikkim & PCB Sikkim	:Ms. Aruna Mathur, Ms. Avneesh Arputham, Ms. Anuradha Arputham, Advs.
Respondent No. 32	:Mr. Pradeep Misra and Mr. Daleep Dhayani, Advs.
State of Kerala	:Mr. Nishe Rajen Shonker, Mrs. Anu. K. Joy, Advs.
State of Uttarakhand Respondent No. 61	:Mr. Rahul Verma, AAG. :Mr. Abhishek Yadav, Adv.
For Kerala State Pollution Control Board Respondent No. 18	:Mr. Reegan S. Bel, Adv., Mr. Jogy Scaria, Adv. :Mr. Jayesh Garuav, Adv. for JSPCB
Respondent No. 5	:Mr. Nikhil Nayyar, Mr. Smriti Shah, Advs.
Respondent No. 14 and 43	:Mr. Anuj Sarma, Adv., Mr. Santosh S. Rebello, Adv.
State of Mehgalaya	:Ms. Aprajit Mukherjee, Adv.
State of Nagaland PCB	:Ms. K.E. Natoli Sema, Adv.
State of Pondicherry Respondent No. 4 ELCOMA	:Mr. Abhimanyu Garg, Ms. Preety Makkar, Advs. :Ms. Pooja Katara, Adv.
For KSPCB	:Mr. Jogy Scaria, Adv.
State of Karnataka	:Mr. Devraj Ashok, Adv.
State of Manipur Respondent No. 10	:Mr. Sapam Biswajit Meitei, Adv. :Ms. Yogmaya Agnihotri, Adv. for CECB
State of Bihar MoEF	: Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs. : Mr. Krishna Kumar Singh, Adv.
Respondent no. 16	: Mr. D. K. Thakur, Adv.
State of Sikkim and PCB	: Mr. Aruna Mathur and Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs.

Date and Remarks	Orders of the Tribunal

**Item No.09
September
02, 2016**

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Heard. Perused record.

This application as originally conceived sought directions to the MoEF to frame standards of mercury content in compact florescent lamp (CFL) and to ensure safe disposal of mercury bearing waste in CFLs and setup mechanism for registration, inventorization of CFL production and imports in accordance with the concept of the extended producers responsibility in order to protect the environment and human health from any adverse impacts.

During the pendency of this application the MoEF promulgated the E-waste Rules, 2016. However, the respondent no. 4- Electric Lamp and Components Manufactures Association of India raised the issue of pending Writ Petition (C) No. of 2016 purportedly filed on 1-06-2016 in the High Court of Delhi, New Delhi (Page no. 1099). Learned Counsel appearing on behalf of the respondent no. 4-Electric Lamp and Components Manufactures Association of India submits that they have challenged the E-waste(Management) Rules, 2016 on the ground that the responsibilities cast on the Electric Lamp and Components Manufactures Association under the said rules are onerous, bad and unconstitutional to the extent of being violative of Articles 14, 19(1) (g) 21, Part 9A, 246, 248 and entry 6 of the list II of the 7th Schedule of the Constitution of India.

Learned Counsel appearing on behalf of the applicant submits that with the promulgation of E-Waste Rules, 2016, only question that survives in the present application is concerning the guidelines governing the practices prescribed for recycling facility for CFLs/Mercury Lamps at TSDFs and

nothing else. Thus, the issue agitated before us is not raised in the Writ Petition filed by the respondent no. 4-Association. We, therefore, do not see any reason to detain ourselves at this stage. Learned Counsel appearing on behalf of the respondent no. 4-Association concedes to these observations made by us.

Learned Counsel appearing on behalf of the applicant submits that the TSDFs in India are not equipped to handle or deal with CFLs/Mercury bearing lamps in the manner as detailed out under the Minamata Convention on Mercury and there is a need to upgrade such facilities in India before recycling of the CFL/mercury lamps is undertaken.

Learned Counsel appearing on behalf of the CPCB and Ministry of Environment, Forest and Climate Change, Government of India submit that the authorities are open to consider the representations made by the concerned parties, particularly, the applicant herein as regards the upgradation of the TSDFs necessary to handle the CFL/mercury lamps and other allied products in environment friendly manner. Learned Counsel appearing on behalf of the applicant submits that they are prepared to make a comprehensive representation to the Respondent no. 2-CPCB suggesting the environment friendly manner of recycling of mercury from CFL/mercury lamps and allied products at TSDFs in India and the guidelines required to govern the upgradation and operation of such TSDFs to the respondent no. 2- CPCB within one month and the same shall be disposed off within given time frame. Parties before us consent to such exercise and we hope it will bring an end to the present controversy by giving what is due to the environment.

We, therefore, direct that the applicant shall make

comprehensive representation as aforesaid to the respondent no.2- CPCB within one month. The representation so made by the applicant shall be duly considered by the respondent no.2- CPCB in light of the latest technical inputs and the present status of the CFL/mercury lamps and allied products and the respondent no.2- CPCB shall take such decision as the facts and technical inputs so warrant in the environmental interest, particularly, in the manner in line with the Minamata Convention within next five months from the receipt of the said representation. Decision so taken shall be communicated to the applicant promptly and shall also be published on the website of CPCB. Liberty granted to the applicant to approach the Tribunal in case of willful delay in taking such decision in given time frame as well as to question the decision itself in accordance with law.

In view of the above the Original Application No.188 of 2014 stands disposed of accordingly.

.....,JM
(U.D. Salvi)

.....,EM
(Ranjan Chatterjee)