



\$~82

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5643/2022**

CEMENT MANUFACTURERS ASSOCIATION & ORS.

.....Petitioners

Through: Mr. Darpan Wadhwa, Sr. Advocate
with Ms. Vanita Bhargava, Mr. Ajay
Bhargava and Ms. Nandita Chauhan,
Advocates.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Vikramjeet Banerjee, ASG with
Ms. Nidhi Raman, CGSC, Mr.
Prashan Kumar, Mr. Akash Mishra,
Mr. Arnav Mittal and Ms. Neha
Patankar, Advocates for UOI/R-1.
Mr. Vikramjeet Banerjee, ASG with
Mr. Balendu Shekhar, Ms. Rashi
Mangal, Mr. Prashant Rawat, Mr.
Krishna Chaitanya, Advocates and
Ms. Divya Sinha, Scientist for
CPCB(E).

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **29.05.2025**

CM APPL. 33887/2025 (for directions)

1. The present application has been filed on behalf of the petitioner association, *inter alia*, seeking the following prayers:

“a. Direct CPCB to resolve the issues being faced by Member Companies on the EPR Portal; direct CPCB to extend the deadline

W.P.(C) 5643/2022

Page 1 of 5



of 30 April 2025 for PWPs and 30 June 2025 for PIBOs for filing Annual Returns by a few months for FY 2024-25; direct the authorities to not take any coercive action against the Members of the Petitioner No.1 for any non-compliance attributable to non-functioning of portal; and/or

b) Pass such other order/orders as it may deem fit and proper in the facts and circumstances of the present case.”

2. On 28.05.2025, with the consent of the parties, the matter was adjourned for today to enable the learned counsel for the respondents to complete his instructions.

3. Mr. Vikramjeet Banerjee, learned ASG appears on behalf of the respondent no.1/Ministry of Environment, Forest and Climate Changes, and hands over the bench, the written instructions received from the Ministry which are extracted hereunder:

“a. The Ministry of Environment, Forest and Climate Change, Government of India, has already taken facilitative steps for removal of difficulties for registered obligated entities with respect to operation of EPR portal.

b. Vide OM dated 14th May, 2025 it has inter alia been conveyed to Central Pollution Control Board (CPCB), that the scheduled downtime of EPR portal should be appropriately considered, as required, under removal of difficulties for registered Producers, Importers and Brand Owners (PIBOs) and registered Plastic Waste Processors (PWPs). (Copy enclosed).

c. The process for removal of difficulties is already in motion vide OM dated 14th May, 2025.

d. As a special facilitative measure, the petitioners may be directed to file their representation within one week from the date of the order for consideration of Central Pollution Control Board (CPCB).

e. The representation of petitioners will be restricted by the scope of contentions raised in C.M.A No.33887 of 2025 in WRIT PETITION (CIVIL) NO.5643 of 2022.



f. CPCB will consider representation of each petitioner on case-by-case basis and take appropriate steps, as required, for removal of difficulties only.”

It would also be apposite to reproduce hereunder the OM dated 14.05.2025, which reads thus:

**“F.No.12/64/2023-HSM
Government of India
Ministry of Environment, Forest & Climate Change
(Hazardous Substances Management Division)**

*2nd Floor, Jal Wing.
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi-110 003.
Date: 14th May, 2025*

OFFICE MEMORANDUM

Subject: Scheduled downtime for EPR Plastic Portal due to migration activity- reg.

This has reference to letter of CPCB No.IT-18013/2/2025-IT-CPCB-HO/40 dated 22nd April, 2025 on the above mentioned subject.

2. *The undersigned has been directed to convey the following to CPCB:*

i. *All the registered Producers, Importers and Brand Owner's (PIBOs) and registered Plastic Waste Processors (PWPs) may be informed about the schedule downtime for EPR plastic Portal due to migration activity.*

ii. *It is to be ensured that the migration activity should be completed as per the schedule.*

iii. *The scheduled downtime of EPR portal will be appropriately considered, as required, under removal of difficulties for registered PIBOs and registered PWPs.*

3. *This issue with the approval of the Competent Authority.*

*Sd/-
(Dr. Amit Love)
Additional Director/Scientist 'E'*

*To,
The Member Secretary,*



*Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032, Email: mscb.cpcb@nic.in*

Copy for kind information:

- (i) *PPS to AS (NPG)*
- (ii) *PPS to JS (NKS)”*

4. The aforesaid instructions have been also handed over to Mr. Darpan Wadhwa, learned senior counsel appearing on behalf of the applicant/petitioner association, who is agreeable to the same with certain modifications. He has flagged the issue of the new portal still having operational difficulties apart from requesting that the individual members of the petitioner association be given an opportunity of hearing by the respondent no.2/Central Pollution Control Board (CPCB).

5. Having heard learned counsel for the parties, we are of the view that the present application can be disposed of in view of the above statement after some minor modifications. Further to bullet point ‘e’, we provide that apart from the individual members of the petitioner association submitting representations within two weeks from today, the respondent no.2 would provide to one representative of the petitioner association an opportunity of hearing before decision is arrived *qua* the representations. We also provide that the members of the petitioner association would also be entitled to take other grounds/contentions apart from those taken in the present writ petition. The said representations would be disposed of with expedition.

6. Apart from the above, with a view to resolve the impasse we requested Ms. Divya Sinha, the Scientist from the respondent no.2, in case it would be possible to provide Help Desks to the members of the petitioner association to resolve or redress any technical issues being encountered by



such members while accessing the portal or the software etc, to which Ms. Sinha expressed her willingness to provide a few Help Desks for the purposes noted above. We are of the considered opinion that this measure would go a long way to ameliorate the difficulties which may be faced or are being faced by the members of the petitioner association. The Help Desks may be set up at the earliest as found convenient by the respondent no.2, but not later than 7 days from today.

7. In view of the aforesaid, the application is disposed of in above terms.

W.P.(C) 5643/2022

8. List on 03.09.2025, the date already fixed.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

MAY 29, 2025

Kct/rl