



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

WEB COPY

WESTERN GHATS FOREST PROTECTION

BUY BACK SCHEME

WP.No.15120 of 2019
and WMP.Nos.15106 of 2019

N.SATHISH KUMAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

Order Dated : 27-01-2023

As against the directions given by this Court vide Order dated 11.10.2022, the Managing Director of Tamil Nadu State Marketing Corporation Limited [TASMAC] filed a Special Leave Petition (Civil) in Diary No.39407/2022 before the Honourable Supreme Court. While disposing the Petition, the Honourable Apex Court has passed the following Order on 09.01.2023:

“Permission to file Special Leave Petition is granted.

The Petitioner, – a State owned Marketing Corporation engaged in the activity of procuring supplying in retail vending of Indian made foreign liquor concerned in terms of the State enactments is aggrieved



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

WEB COPY

by the order of the Madras High Court. In the course of a Public Interest Litigation (PIL), the Court had directed a Pilot Project, which involved buy back of empty liquor bottles by the petitioner in Nilgiris District. Based upon the report of that project, the Court had by the impugned order noted that the implementation of project had resulted in approximately 70% of the bottles being collected back from the consumers in the concerned area. The Court took note of a detailed report in response to suggestions made and by the impugned order as a first step replication of a similar exercise in Coimbatore and Perambalur.

It is submitted by learned senior counsel on behalf of the petitioner that the exercise mandated by the impugned order is aimed at creating a framework which amounts to formulating a policy by the Court which is impermissible. Learned counsel submitted that the petitioner has multiple constraints in terms of manpower, logistics, finance etc. which act as barriers from its implementing a Statewide scheme of the nature proposed by the High Court.



WEB COPY



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

The impugned order has merely directed a Pilot Project in respect of two districts; this Court is of the opinion that the High Court would obviously take note of whatever are the outcomes observed in the course of the report to be filed. At the same time, the Court is also of the opinion that the petitioner at liberty to place on record and rely on such documents and arguments as are appropriate in the circumstances to highlight its constraints before the Court. The Court would take note of this appropriately while passing its final order.

It is further submitted on behalf of the Corporation that the time frame granted by the High Court is not capable of adherence. The petitioner, therefore, seeks extension of time. It is open to the petitioner to seek extension of time in this regard, in case an application is filed, the Court would consider it reasonably.

The special leave petition is disposed of but subject to the above observations.

All pending applications stand disposed of.”

2. In pursuant to the above Order, today an Affidavit has been filed by the Managing Director, TASMACH, for extension of time for implementation



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

WEB COPY

of Buy Back Scheme. On a perusal of the entire affidavit, there is no grievance whatsoever expressed with regard to framing of policy. The only grievance expressed by the TASMAC is finding adequate vacant spaces for storing the collected empty liquor bottles and also to give necessary training to the existing employees to collect the empty liquor bottles from the customers. Citing the above reasons three (3) months time is sought for for implementing the Buy Back Scheme.

3. We have perused the affidavit. The Buy Back Scheme was introduced pursuant to the order passed by this Court on 25.04.2022, firstly in the Nilgiris District from 15.05.2022, thereafter from 15.06.2022 in all other hill areas in Tamilnadu like Kodaikanal, Yercaud, Megamalai, Topslip, Kolli Hills, etc., and in the areas around Wild Life Sanctuaries and National Parks in Tamil Nadu.

4. Pursuant to the above directions, the Buy Back Scheme has been introduced in the entire district of Nilgiris, other hill areas and adjacent to Wild Life Sanctuaries and National Parks in Tamil Nadu. So far, the scheme



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

has been implemented in 163 shops. The statement filed by the Managing Director, TASMAL indicates as follows:

Details of Collection of Empty Bottles in Hill areas									
Sl. No	Name of the District	No. of Shops	No. of Bottles sold to customer	No. of Empty Bottles returned from customer	Percentage of Bottles returned (%)	Balance empty bottles to be returned from customer	Extra Amount of Rs.10/- collected	Amount Refunded	Balance Amount
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)=(4)*10	(9) = (5)*10	(10)=(7)*10
1	Vellore	2	248083	243213	98	4870	2480830	2432130	48700
2	Salem	3	899660	845085	94	54575	8996600	8450850	545750
3	Dindigul	67	3008448	2745341	91	263107	30084480	27453410	2631070
4	The Nilgiris	75	21285049	14853643	70	2686818	212850490	148536430	26868180
5	Namakkal	3	126827	123977	98	2850	1268270	1239770	28500
6	Coimbatore (South)	5	1306712	741033	57	69954	13067120	7410330	699540
7	Erode	3	496309	456948	92	39361	4963090	4569480	393610
8	Krishnagiri	2	379832	371040	98	371040	3798320	3710400	3710400
9	Dharmapuri	1	188112	186997	99	1115	1881120	1869970	11150
10	Tiruvannamalai	2	417229	390150	94	27079	4172290	3901500	270790
Total		163	28356261	20957427	74	3520769	283562610	209574270	35207690
Note:		Sl. No. 1 to 6 has been implemented from 15.06.2022 to till date (25.01.2023) Sl. No. 7 to 10 has been implemented from 11.07.2022 to till date (25.01.2023)							



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

WEB COPY 5. On perusal of the report indicates that people also became aware of the consequences of throwing the bottles in the wild and agricultural fields. In some of the areas like Vellore, Krishnagiri and Dharmapuri, the handing over the bottles back is more than 97 percent. The entire Nilgiris District 70% of the empty bottles have come back and in all other hill areas the percentage of empty bottles returned is quite satisfactory and above the expectation. In such a view of the matter, we are of the definite opinion that if the scheme is implemented in other areas, the empty liquor bottles will certainly come back to the TASMAC. In such a view of the matter we are inclined to extend the time to implement the Buy Back Scheme to the entire Coimbatore and Perambalur Districts as ordered by this Court on 11.10.2022, for a further period of two months. In order to identify the returned empty bottles, the TASMAC can also go for QR Code. That apart, they may also take a decision to buy the bottles sold anywhere in Coimbatore District in any of the shops. The above extension of time is granted only in pursuant to the specific prayer made by the TASMAC as per the liberty granted by the Honourable Supreme Court in S.L.P.(Civil) Diary No.39407/2022 dated 09.01.2023.



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

WEB COPY

6. Accordingly, we direct the TASMACH to implement the Buy Back Scheme in Coimbatore and Perambalur Districts without fail from 1.4.2023. Post the matter on 17.04.2023 for filing report as to the implementation of the Scheme.

7. It is also informed by the learned Additional Advocate General that after the empty liquor bottles were returned, tender process was initiated and the bottles were sold. In such a view of the matter, the TASMACH is directed to file a report as to the nature of the income generated from the sale of the bottles. The Report should also indicate how the bottles are removed, stored and utilised by the tenderer.

8. We also direct the TASMACH to bring awareness of the buy back scheme to the public by way of paper publication in all widely circulated daily newspapers both in regional language and in English in all the Districts where the scheme is implemented, continuously for a period of three months from 1.2.2023. TASMACH shall also keep signboards prominently



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

WEB COPY outside every shop informing the purchaser of liquor that the bottles will be purchased back.

9. The percentage of returned empty bottles and its implementation by the State is laudable and worth appreciating. We hope the same sincerity will be followed in other areas also while implementing the scheme.

10. Post the matter on 17.04.2023.

(N.S.K.,J.) (D.B.C.,J.)
27.01.2023

ggs



WEB COPY



W.P.No.15120 of 2019
and WMP.Nos.15106 of 2019

N.SATHISH KUMAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

ggs

WP.No.15120 of 2019
and WMP.No.15106 of 2019

27.01.2023