



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

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WESTERN GHATS FOREST PROTECTION

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

W.P.No.11049 of 2023
and W.M.P.Nos.10931 & 10932 of 2023

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

Order Dated : 08-06-2023

I. COLLECTION OF PLASTIC WASTES

As far as the collection of plastic wastes is concerned, it is brought to our notice that in Nilgiris, the single use water bottles are freely available and even some of the vendors are selling in their shops. The bottles have also been found everywhere. To this, Mr.J.Ravindran, the learned Additional Advocate General would submit that the Status Report would reveal that a huge quantity of the plastics have been seized and some of the shops have been closed. Be that as it may, random checks seizure and closures of the shops will not be helpful in making the Nilgiris a single use plastic free zone.



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Having announced the same and taken a policy decision and this Court also having passed an Order, it is mandatory for the respondents to thoroughly check each and every vehicle entering the Nilgiris and unless such exercise is undertaken, the public also would be emboldened to carry on single use plastics. Under these circumstances, the respondents are directed to file a Status Report indicating

- i. As to whether or not regular check of all the vehicles are happening in the permanent collection centres at the entry points?
- ii. The details of the employees posted for all the three shifts in those collection points and the details of the quantity of PET bottles collected through that points?
- iii. The enforcement authority shall also conduct a complete combing operation in all the towns and villages in the entire Nilgiris District and ensure that no shops or public are using/selling the banned bottles.



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iv. The respondents are also directed to remove or properly deal with all the plastic wastes dumped in the Masinagudi Forests area.

2. It is also brought to our notice that the water dispensing ATM are not in working condition and the same shall be forthwith repaired and restored to function. The Respondents are also directed to consider the feasibility of handing over the operation of those ATM to the voluntary organizations.

3. As far as the Meghamalai area is concerned, Status Report is filed by the District Collector, Theni, wherein, it has been mentioned that a District Level Meeting was convened with the officials and “Meendum Manjappai” scheme is also been implemented and awareness is created. It specifically mentioned that frisking is done at the entry point and any plastic that is brought by the public or tourist is collected and people are allowed inside without plastics. The same is recorded and it is directed that the check shall be meticulously carried on continuously and ensure that the



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entire Meghamalai area is single use plastic banned area.

II. BUY BACK SCHEME

Regarding the Buy Back Scheme, Status Report is filed by the TASMACH indicating the amount of bottles sold to the customers and also regarding the number of the empty bottles and the revenue received from there. The respective tabular column, which is found in the status report is incorporated hereunder:

Details of Collection of Empty Bottles in Coimbatore and Perambalur Districts as on 31.05.2023								
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 (%)	Extra Amount of Rs.10/- collected	Amount Refunded	Balance Amount
1	Coimbatore (North)	166	1,89,70,066	17,393,609	92%	18,97,00,660	17,39,36,090	1,57,64,570
2	Coimbatore (South)	139	1,94,48,902	1,63,75,260	84%	19,44,89,020	16,37,52,600	3,07,36,420
3	Perambalur	37	18,66,658	17,40,279	93%	1,86,66,580	1,74,02,790	12,36,790
Total		342	4,02,85,626	3,55,09,148	89.6%	40,28,56,260	35,50,91,480	4,77,64,780



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Details of Collection of Empty Bottles in Hill Areas as on 31.05.2023								
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 (%)	Extra Amount of Rs.10/- collected	Amount Refunded	Balance Amount
1	Vellore	2	10,28,995	10,12,230	98%	1,02,89,950	1,01,22,300	1,67,650
2	Salem	3	14,24,222	13,56,233	95%	1,42,42,220	1,35,62,330	6,79,650
3	Dindigul	9	5,48,028	5,42,747	99%	54,80,280	54,27,470	30,860
4	The Nilgris	76	3,28,06,594	2,97,61,210	91%	32,80,65,940	29,76,12,100	3,04,53,840
5	Namakkal	3	16,75,073	15,41,936	92%	1,67,50,730	1,54,19,360	13,31,370
6	Coimbatore (South)	5	20,90,836	20,13,554	96%	2,09,08,360	2,01,35,540	7,72,820
7	Erode	3	8,81,487	28,883	98%	2,94,530	2,88,830	5,700
8	Krishnagiri	2	29,453	28,883	98.9%	2,94,530	2,88,830	5,700
9	Dharmapuri	1	3,52,754	3,50,365	99%	35,27,540	35,03,650	23,890
10	Tiruvannamalai	2	6,96,724	6,68,573	96%	69,67,240	66,85,730	2,81,510
Total		106	4,15,34,166	3,81,14,358	95.9%	41,53,41,660	38,11,43,580	3,41,76,130

Details of Sale of Empty Liquor Bottles in the Districts where Buy-Back Scheme was implemented.			
(Collected amounts are deposited in the separate account in the ICICI Bank as on 31.05.2023)			
Sl.No.	Name of the District	No. of Shops	Sale amount of Empty Liquor Bottles (in Rs.)
1	Vellore	2	2,84,804
2	Salem	3	4,03,964
3	Dindigul	9	11,05,928
4	The Nilgris	76	26,24,473
5	Namakkal	3	6,67,849
6	Coimbatore (South)	139	33,89,150
7	Erode	3	1,38,395
8	Krishnagiri	2	1,91,441
9	Dharmapuri	1	32,140
10	Tiruvannamalai	2	12,909



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<i>Details of Sale of Empty Liquor Bottles in the Districts where Buy-Back Scheme was implemented. (Collected amounts are deposited in the separate account in the ICICI Bank as on 31.05.2023)</i>			
11	Coimbatore (North)	166	41,82,893
12	Perambalur	37	5,41,227
Total		443	1,35,75,173

2. It can be seen that the Buy Back Scheme is working fairly well as more than 90% is being collected in all the districts. The learned Additional Advocate General would submit that there are several practical difficulties in respect of collection, storage after selling of these bottles which are being fine tuned and they are revolving the mechanism so that before extending it to the other areas, the scheme has to be implemented in a proper manner in these areas. Therefore, he requested that the Staus Quo relating to the collection of the bottles with respect to the areas may be maintained for now can be extended at a later point of time.

3. Post the matter on 05.07.2023

III. DEPUTING OF TASMAC EMPLOYEES FOR IMPLEMENTATION OF THE BUY BACK SCHEME



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Mr.Ajay Gosh, learned counsel for the Petitioner's Association has submitted that already they are over-worked in terms of the time and also in terms of the work load, they are suffering. While so, for the new additional works, no additional manpower whatsoever has been sanctioned and it also interferes with their work and even a storage is a problem in all the shops. Therefore, he would request that appropriate directions to be issued to the respondents. We take on record the Status Report filed by the respondents. We find that the amounts collected by way of a sale of empty liquor bottles varies from district to district. In that regard, in the next Status Report, the Managing Director, TASMAC is directed to file details as to the basis of the tender and what is the basis on which they valued the bottles and tender is being floated how the price is quoted and is sold.

2. As far as the employees are concerned, we make it clear that the surplus fund available can be utilised for payment of any contract employee, if any, who may be engaged for the said purpose and it is for the TASMAC Management to consider the feasibility and necessity of the number of



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employees etc., and to employ additional labour if it requires for proper implementation of the Buy Back Scheme. We make it clear that the main object of the scheme is to get the bottles in proper shape so that they can be put to re-use, which is the primary object of the scheme thereby, saving the environment in many aspects. Since we see from the Status Report that only difficulty expressed is about the space constraint and the customers are properly returning the bottles in may of the shops around 99%, we expect the TASMAC to fine tune these minor hiccups in the scheme and come up with the solutions so that it may be implemented throughout the State at the earliest. They also can consider the feasibility of establishing district-wise/area-wise centres so as to properly collect and store the bottles before the sale which will solve the problems of space and storage in the shops themselves.

3. Post the matter on 05.07.2023.

(N.S.K.,J.) (D.B.C.,J.)
08.06.2023

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