

MAHARASHTRA POLLUTION CONTROL BOARD

Regional Office, Navi Mumbai

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"Raigad Bhavan",
7th floor, Sec-11, C.B.D. Belapur,
Navi Mumbai- 400 614.

No: MPCB/RONM/ 2207270002

Date: -27/07/2022

To,

M/s. Elixir Foods And Beverages Private Limited,
Plot No. D-222/16, TTC Industrial Area,
MIDC Shirawane, Navi Mumbai – 400706.

Subject:- Directions of Closure u/s 33 A of the Water (Prevention & Control of Pollution) Act, 1974, u/s 31 A of the Air (Prevention & Control of Pollution) Act, 1981 and Hazardous & Other Waste (Management and Trans-boundary Movement) Rules 2016...

- Ref.: -
1. Consent issued by Board to your unit on 04.08.2021 & valid up to 31.03.2036.
 2. Visit of Board official to your unit 07.06.2022.
 3. Legal Action Proposal vide no.MPCB_LEGAL_ACTIONS-080622010.
 4. Maharashtra Plastic Waste Management & Handling Rules 2018 & amendment thereto.
 5. Plastic Thermacol Products (MSSTH&S) Notification 2018 & amendment thereto.
 6. Ministry of Environment, Forest and Climate Change has issued Notification number G.S.R.571(E) dated 12th August 2021, vide which manufacture, import, stocking, distribution, sale and use of identify single use plastic (SUP) items shall be prohibited with effect from July 01, 2022.
 7. Ministry of Environment, Forest and Climate Change has issued Notification for Guidelines on Extended Producer Responsibility for Plastic Packaging on 16.02.2022 & amendment thereto.
 8. Public Notice on 08.03.2022 published by Board in various news papers in Maharashtra.
 9. Personal hearing was extended to industry representative on 07.07.2022
 10. Approval received from HQ on 26.07.2022.

WHEREAS, concerns about usage and disposal of plastic are diverse and include accumulation of waste in landfills, water bodies and in natural habitats, physical problems for wild animals resulting from ingestion or entanglement in plastic, the leaching of chemicals from plastic products and the potential for plastics to transfer chemicals to wildlife and humans are increasing.

AND WHEREAS, because of non-biodegradable plastic waste handling of municipal solid waste becomes difficult and incurs more financial burden and also due to burning such waste in open environment causes various diseases in humans and animals. **AND WHEREAS**, it is observed that non-biodegradable garbage is responsible for clogging drains and nallas causing flood in urban settlement leading to loss of lives and damage to properties and infrastructure.

AND WHEREAS, plastic waste and micro plastic cause danger to marine and freshwater bio-diversity and also hamper ecosystem services due to spreading of such waste in and around ecosystems, on tourists places, beaches and on agriculture and forest areas. **AND WHEREAS**, non-biodegradable plastic waste and micro plastic are having negative impacts on fish diversity and fisheries activity. **AND WHEREAS**, non-biodegradable waste is posing problems in effective implementation of Clean India Mission.

AND WHEREAS, detailed stake-holders consultations and deliberations with the field level officials were undertaken, and public notices were also published in leading newspapers. Ministry of Environment, Forest and Climate Change has issued Notification number G.S.R.571(E) dated 12th August 2021, vide which manufacture, import, stocking, distribution, sale and use of identify single use plastic (SUP) items shall be prohibited with effect from July 01, 2022. Rule 4(2) of Plastic Waste Management (PWM) Rules 2016 (as amended), the manufacture, import, stocking, distribution, sale and use of single use plastic (SUP) items including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1st July

2022. Moreover, as per Maharashtra Plastic and Thermocol Products (Manufacture, Usage, Sale, Transport, Handling and Storage) Notification 2018, additional SUP items are banned.

WHEREAS, the public notice is being issued by Board to inform all producers, stockists, retailers shopkeepers, E-Commerce companies, Street vendors, commercial establishments (malls/market place/shopping centers/cinema houses/tourist locations/schools/colleges/office complexes/hospitals and other institutions) and general public to stop production, stocking, distribution, sale and usage of identified SUP items as per timelines specified in the said MoEF & CC Notification. Further, necessary action to be taken by the concerned entities to ensure zero inventory of the aforementioned SUP items by June 30, 2022. AND WHEREAS, Action as deemed fit under Environmental Protection Act 1986 including seizure of goods, levying of environmental compensation, closure of operations of industries/commercial establishments, shall be taken against the violators of the said Notification.

AND WHEREAS, it is obligatory on your part to obtain registration & Extended Producer Responsibility (EPR) under the provisions of Maharashtra Plastic Waste Management & Handling Rules 2018 & amendment thereto and Plastic Thermacol Products (MSSTH&S) Notification 2018 & amendment thereto and Ministry of Environment, Forest and Climate Change has issued Notification vide ref. no. 06 & 07.

WHEREAS, the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, Maharashtra Plastic Waste Management & Handling Rules 2018 & amendment thereto and Plastic Thermacol Products (MSSTH&S) Notification 2018 & amendment thereto is applicable to the State of Maharashtra as declared in official gazette. AND WHEREAS, the area where your activity is situated, falls under the said declared area.

AND WHEREAS, it is obligatory on your part to obtain Consent to establish to your activity U/s 25 and Consent to operate to your activity U/s 26 of the Water (Prevention & Control of Pollution) Act, 1974 and U/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Trans boundary Movement) Rules 2016 & amended thereof (To be referred as Water Act, Air Act and HW (M&TM) Rules respectively before taking any effective step for implementation of project.

AND WHEREAS, it was obligatory on your part to take adequate control measures to control pollution from all sources to achieve the standards prescribed by the Board as per Environmental (Protection) Act, 1986 and so as not to cause nuisance to surrounding area / inhabitants.

AND WHEREAS, Board official carried out visit to your industry on 07.06.2022. The Board official reported following non-compliances / violations for necessary legal action under the provision of above said Acts;

1. You have not obtained registration vide ref. no. 06 & 07 and under the provisions of Maharashtra Plastic Waste Management & Handling Rules 2018 & Plastic Thermacol Products (MSSTH&S) Notification 2018 & amendment there to.
2. You have not obtained Extended Producer Responsibility (EPR) vide ref. no. 06 & 07 and under the provisions of Maharashtra Plastic Waste Management & Handling Rules 2018 & Plastic Thermacol Products (MSSTH&S) Notification 2018 & amendment there to.
3. You are manufacturing Single Use Plastic (SUP) products without obtaining registration and EPR and stored the SUP banned products.

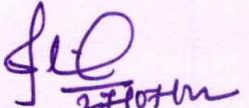
AND WHEREAS, Thereby causing intentionally grave injury to environment and violated the various provisions of environmental enactments.

AND WHEREAS, after examining the records of your case, the reports of the Officers of the Board and after making necessary enquiries, I have observed that, you have violated the provision of various Environmental Acts. This shows your negligent attitude toward Environment Protection and causing grave injury to the surrounding environment knowingly and wilfully.

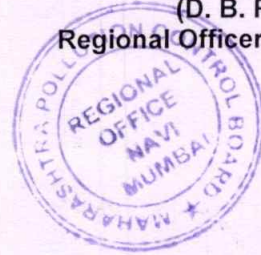
NOW, THEREFORE, in exercise of the powers conferred upon me under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 and under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981, and Maharashtra Plastic Waste Management & Handling Rules 2018 & amendment thereto and Plastic Thermacol Products (MSSTH&S) Notification 2018 & amendment thereto and Ministry of

Environment, Forest and Climate Change has issued Notification vide ref. no. 06 & 07. I, Regional Officer of the Board at Navi Mumbai hereby direct you to stop the all activity safely within the period of 72 hours so as avoid further damage to the surrounding environment and inform the same to this office immediately. The competent authorities are directed to disconnect the water/electricity supply to your unit, which may be noted.

This is issued with approval of competent authority of the Board.


(D. B. Patil)

Regional Officer-Navi Mumbai



Copy submitted for information to:

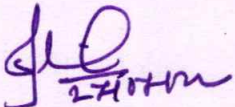
1. The Member Secretary, MPCB Mumbai.
2. The Regional Officer (HQ), MPCB Mumbai
3. Law Officer (P&L Divn), MPCB, Mumbai.

Copy to:-

1. The Executive Engineer/Deputy Engineer, MSEDCL, Vashi / MIDC Shirawane Area, Navi-Mumbai.
– He is directed to disconnect the electricity supply of the above said industry safely within the period of 72 hours after received of this direction and report the action taken from your end at the earliest.
2. The Executive Engineer/ Deputy Engineer, Water Supply Department, MIDC Mahape / MIDC Shirawane Area, Navi-Mumbai – He is directed to disconnect the water supply of the above said industry safely within the period of 72 hours and report the action taken from your end at the earliest.

Copy forwarded for information and necessary follow-up to: -

The Sub-Regional Officer, Navi Mumbai-1 - He is directed to serve the copy of these Directions to the said industry and competent authorities for disconnection electricity & water supply immediately and report compliance accordingly.


(D. B. Patil)

Regional Officer-Navi Mumbai

