

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

Execution Application No.4/2024
In
Original Application No.512/2018

WITH

M.A. No. 9/2024
In
Original Application No.512/2018

Shailesh Singh S/o Mr. Babu Singh Applicant

Versus

State of Uttar Pradesh Respondent(s)

WITH

OriginalApplication No.1363/2024

Ashish Singh Chandel Applicant

Versus

Ministry of Environment, Forest and
Climate Change & Ors. Respondent(s)

WITH

Original Application No.1390/2024

News Item titled "India sees 72 % rise in electrical electronic waste in 5
years Govt" appearing in Businessstandard.com dated 16.12.2024

Date of hearing: 28.05.2025

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Md. Imran Ahmad, Mr. R. Jude Rohit, Advs. for Applicant in E.A
04/2024 & M.A 09/2024

Respondent: Mr. Raj Kumar, Adv. with Ms. Yutika Puri, Scientist, CPCB
Mr. Purushottam Sharma Tripahti, Advs. for MoEF & CC (Through VC)
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for UKPCB & MPCB
(Through VC)
Mr. Rahul Khurana, Adv. for the State of Haryana & HSPCB (Through
VC)
Ms. Richa Kapoor & Ms. Atika Singh, Advs. for Punjab PCB
Mr. Jogy Scaria & Ms. Beena Victor, Advs. for KSPCB (Through VC)
Mr. Nishe Rajan Shonker & Mr. Alim Anvar, Adv. for the State of Kerala
(Through VC)
Mr. Gautam Singh, Adv. for UT of J&K (Through VC)
Mr. Sameer Abhyankar, Adv. for the State of Sikkim (Through VC)
Mr. Arnab Ray, Tripura SPCB (Through VC)

Mr. Balendu Shekhar & Ms. Tanisha Samanta, Advs. for DPCC (Through VC)
Mr. Gigi. C. George, Adv. for A&N Islands & Lakshadweep Islands
Mr. Nishant Awana, Adv. for RSPCB (Through VC)
Mr. Abhinay Sharma, Adv. for CECB (Through VC)
Mr. Dhananjay Baijal, Adv. for Telangana PCB

ORDER

1. This execution application has been filed by the Applicant seeking compliance of the directions issued by the Tribunal in the order dated 15.01.2021 passed in OA No. 512/2018 and other connected matters relating to the E-Waste (Management) Rules, 2022 in the country.
2. The grievance of the Applicant is that the said order is required to be implemented and complied with by all the States but the State Authorities have not taken any appropriate action in this matter.
3. A perusal of the execution application revealed that the States or its authorities have not been impleaded as respondents in EA.
4. By way of this application, applicant is seeking compliance of the directions issued by Tribunal in the order dated 15.01.2021 passed in OA Nos. 512/2018, 621/2018 and 1001/2019. The Tribunal had disposed of the original applications by issuing directions.
5. Learned Counsel for the applicant referring to the information supplied under RTI Act, has submitted that in respect of 3 the States of Arunachal Pradesh, Goa, Haryana, Manipur and UT of Lakshadweep, e-waste collection and processing facilities are not available. He has also submitted that in State of Meghalaya and UTs of Chandigarh, Puducherry, Daman & Diu, there are no authorized dismantlers/recyclers, though in respect of State of Odisha, 07 number of authorized dismantlers/recyclers have been disclosed but they are not

operating. He has also raised the plea that CPCB has not updated the list of recyclers.

6. The report dated 30.08.2024 filed by the CPCB in the tabulated form mentions the actions taken by each of the States/Union Territories in respect of the direction of the Tribunal. As per the applicant the tabulated information reveals that many of the States/Union Territories have not complied to the directions of the Tribunal fully.

7. There are lapses on the part of the SPCBs/PCCs in carrying out the inventory exercise in respect of the notified electrical/electronic equipments. The SPCBs/PCCs have not shared the compliance status/inspection report.

8. In the meanwhile, the E-Waste (Management) Rules, 2022 have come into force w.e.f. 01.04.2023. Rule 4 provides for the Registration of entities on the portal. Rules 5 to 10 provide for responsibilities of the manufacturers, producers, refurbishers, bulk consumers, recyclers and the State Government and Union Territories, respectively. Rule 11 deals with the procedure for storage of E-waste and Rule 12 provides for Management of solar photo-voltaic modules or panels, or cells. Rule 22 requires the CPCB to frame guidelines for the imposition and collection of environmental compensation for violation of the Rules and Guidelines issued thereunder. Rule 23 provides for prosecution. Schedule I of the Rules contain the list of categories of electrical and electronic equipments including their components, consumables, parts and spares covered under the Rules. Schedule III provides for E-waste recycling targets (waste year-wise from 2023-24 to 2028-29 onwards). Schedule – V, contains the list of Authorities and corresponding duties. In terms of Schedule – V CPCB has the responsibility to take action against the

violations of the Rules, conduct random checks for ascertaining compliance with E-waste Rules, conduct training and awareness programmes, enforce provisions regarding reduction in use of the hazardous substances in the manufacture of electrical and electronic equipments etc. The responsibilities of CPCB, SPCBs, Local Bodies etc. are defined in Schedule – V.

9. The CPCB has mentioned about the non-compliance/partial non-compliance by some of the States/Union Territories but the report does not reflect any action which is taken by the CPCB for that non-compliance. The report also does not reflect the extent which the target has been achieved for the year 2023-2024 in terms of Schedule – III of the Rules of 2022.

10. The CPCB was also required to disclose the compliance of the E-waste Rules by the States in reference to the management of solar photovoltaic modules or panels or cells etc. It also needs to provide details relating to the generation of E-waste, its treatment, the treatment facility and the gap.

11. During the course of the hearing today, the counsel for CPCB accompanied by Ms. Yutika Puri, Scientist, informed the various steps being taken by CPCB in the issue of management of E-Waste in consistent with E Waste Management Rules, 2016. The report filed by CPCB dated 11.12.2024 was considered which states as follows:

“2.0 Submission of CPCB:

- 1. E-Waste in the country is presently regulated under the E-Waste (Management) Rules 2022 which are effective from 1st April, 2023. The management of EWaste is based on the Principal of the Extended Producer Responsibility (EPR), where producers of Electrical and Electronic Equipment (EEE) have been made responsible for their products beyond consumer stage until their end of life for their environmentally sound management.*

2. *The said rules have brought into force a more transparent and robust mechanism for the implementation of Extended Producer Responsibility (EPR) through introduction of an on-line EPR Portal where all the stakeholders namely Producers, Manufacturers, Recyclers and Refurbishers of E-waste are required to register compulsorily.*
3. *These rules mandate that only registered entity can carry out business related to e-waste management and introduce recycling targets in terms of end products of recycling. Four key metals, namely Aluminium (Al), Copper (Cu), Gold (Au) and Iron (Fe) have been presently identified as end products of recycling.*
4. *Producers are required to fulfil their EPR Targets (Recycling Targets) by purchasing online EPR certificates in terms of end products of recycling only from registered recyclers through the EPR Portal.*
5. *The EPR Portal is the repository for the data submitted by the stakeholders. The portal has a dashboard where information related to number of registered entities, EPR obligations of Producer, Quantity of available EPR certificates, Quantity of EPR Certificate Transferred are available for general public.*
6. ***As on 10th December 2024, total of 7226 numbers of producers, 295 numbers of recyclers, 35 numbers of manufacturers and 53 numbers of refurbishers are registered on the EPR Portal.***
7. *During FY 2023-24, 4868 numbers of producers were granted registration. Out of 4868 registered producers, 2209 numbers of producers have nil EPR Targets (Recycling Targets) in the FY 2023-24. The rest 2659 numbers of producers have EPR Targets (Recycling Targets). Out of 4868 number of Producers, 3084 numbers of producers have filed their returns. The total EPR Targets (Recycling Targets) in terms of end products was 2,75,971 MT. As on 10-12-2024, 92% obligation (2,54,304 MT) has been achieved by the Producers for FY 2023-24. The last date of filing returns has been extended from 31-08-2024 to 31-12-2024.*
8. *During F.Y. 2023-24, 216 numbers of recyclers were granted registration. The recycling capacity of 216 registered recyclers is 15,88,656 MT. The quantity of e-waste collected and recycled in the FY 2023-24 are 7,98,493 MT and 7,68,406 MT respectively. As on 10-12-2024, total 295 recyclers have been granted registration. The recycling capacity of 295 registered recyclers is 20,60,832 MT. The quantity of e-waste collected and recycled so far in the FY 2024-25 are 5,82,769 MT and 5,18,240 MT respectively.*

9. The quantity of E-Waste generated from 106 notified electrical and electronic equipment in the FY 2023-24 is 1.77 million tonnes and in the FY 2024-25 is 1.90 million tonnes.
10. 552 numbers of Producers of solar panels/cells, solar Photovoltaic panels/cells/modules (CEEW 14) were granted registration in FY 2023-24. The number of Solar Panels/Cells, Solar Photovoltaic Panels/Cells/Modules producers have increased to 799 as on 10-12-2024. Under the rules, the manufacturers and producer of solar photovoltaic modules or panels or cells shall store waste generated from Solar Panels/Cells, Solar Photovoltaic Panels/Cells/Modules up to the year 2034-2035. The E-waste generated from Solar Panels/Cells, Solar Photovoltaic Panels/Cells/Modules for FY 2023-24 and FY 2024-25 is 587 MT & 123 MT respectively.
11. CPCB has prepared and published Guidelines for imposition and collection of environmental compensation (EC) on any entity in case of violation of any of the provision of these rules after obtaining approval from Ministry of Environment, Forest and Climate Change. The guidelines also provide information on lowest and highest price of exchange of Extended Producer Responsibility (EPR) Certificates.
12. The status of implementations in terms of EPR Targets (Recycling Targets) as on 10-12-2024 is given in the table below:

Financial Year	EPR Targets (in MT)		EPR Targets achieved in MT (% Achieved)
2023-24*	2,75,971.408		2,54,304.337 (92.15%)
	Iron	2,27,124.558	2,10,240.396 (92.57%)
	Gold	0.08876	0.050107 (56.45%)
	Copper	19,343.347	16,732.098 (86.5%)
	Aluminium	29,503.413	27,331.791 (92.64%)
2024-25**	3,35,205.865		1,61,958.758 (48.32%)
	Iron	2,74,910.358	1,33,418.439 (48.53%)
	Gold	0.16910	0.035944 (21.26%)
	Copper	24,887.796	11,163.285 (44.85%)
	Aluminium	35,407.542	17,376.997 (49.08%)

* The last date for filing returns for FY 2023-24 is 31-12-2024

** The last date for filing returns for FY 2024-25 is 30-04-2025

3.0 Actions taken by CPCB

1. CPCB has issued following three directions (Annexure –I) with regard to management of E-Waste and implementation of the E-waste Rules:
 - i. Direction issued under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act 1974, and Air (Prevention and Control of Pollution) Act 1981 to all SPCBs/PCCs dated 06.09.2022 for checking informal E-Waste activities, verification of authorized

dismantlers/recyclers of E-Waste and for carrying out drives for mass awareness. SPCBs/PCCs have also been directed to implement Action Plan issued in the matter of OA No. 512 of 2018 in Hon'ble NGT (PB) for enforcement of E-Waste (Management) Rules, 2016 with focus on action points related to informal trading, dismantling, and recycling of e-waste, Producer's systems for collection & channelization, quantity of e-waste collected towards fulfilment of collection target and submit reports quarterly on the outcome.

- ii. Directions issued under section 5 of the Environment (P) Act, 1986 on 30th January 2024 to all SPCBs/PCCs for carrying out drives for identifying informal/illegal e-waste recyclers/refurbishers including clusters/areas where such illegal recyclers/refurbishers are operating and to close such informal recycling/refurbishing units immediately and for transformation of such informal/illegal recyclers /refurbishers into formal recyclers/refurbishers and to bring them under consent mechanism by way of providing necessary technical support, hand holding, integrating with schemes in the SPCBs/PCCs etc.
 - iii. Directions issued under section 5 of the Environment (P) Act, 1986 on 19th February 2024 to all SPCBs/PCCs to issue notice to all recyclers of e-waste, who are recycling and not uploading requisite documents, invoices for generation of EPR certificates on the EPR portals and withdraw/suspend/cancel CTO of such recyclers for non-compliance and verify documents/invoices/information uploaded by the recyclers on the EPR Portals for quantity of waste procured/collected/imported, recycled, end product produced and sold for generation of EPR certificates and also verify their installed plant & machinery and their capacities and capability.
2. SPCBs/PCCs, vide letter dated 15.12.2023 were communicated to ensure on boarding of entities including recyclers on the E-Waste EPR Portal.
 3. SPCBs/PCCs, vide e-mail dated 08-11-2024 were also asked for submission of action taken reports with regard to Hon'ble NGT order dated 02-09-2024.
 4. Review meeting conveyed through VC mode on 27.11.2024 with all SPCBs/PCCs with regard to submission of quarterly progress report w.r.t. Action Plan issued in the matter of OA No. 512 of 2018 and for ensuring actions against non-complying entities.

5. *Thirty (30) SPCBs/PCCs namely Andaman & Nicobar, Assam, Bihar, Chandigarh, Chhattisgarh, Dadra Nagar Haveli and Daman Diu, Delhi, Goa, Gujarat, Haryana J & K, Karnataka Kerala, Ladakh, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Meghalaya, Nagaland, Odisha, Puducherry, Punjab, Rajasthan, Sikkim, Tamilnadu, Telangana, Tripura, Uttarakhand and West Bengal have submitted their compliance report.*
6. *Out of the 30 SPCBs/PCCs, Six (06) SPCBs/PCCs namely Gujarat, Madhya Pradesh, Puducherry, Punjab, Rajasthan and West Bengal have reported on noncomplying entities and they have also reported regarding initiation of actions against them. SPCB of Gujarat has issued show cause notice to fifty-five (55) entities. SPCB of Madhya Pradesh has issued notices to four (04) entities. PCC of Puducherry has issued directions to six (06) entities. SPCB of Punjab has taken action against five (05) entities. West Bengal SPCB has issued directions against three (03) non-complying entities. SPCB of Rajasthan has taken action against six (06) entities.*
Fourteen (14) SPCBs/PCCs namely Delhi, Haryana J & K, Ladakh, Maharashtra, Manipur, Mizoram, Nagaland, Odisha, Sikkim, Tamilnadu, Telangana and Uttarakhand submitted that there are no non-complying entities with regard to e-waste in their State.
The rest Ten (10) SPCBs/PCCs namely Andaman & Nicobar, Assam, Bihar, Chandigarh, Chhattisgarh, Dadra Nagar Haveli and Daman Diu, Goa, Kerala, Meghalaya, Tripura have not provided any information on the non-complying entities.
7. *All the SPCBs/PCCs have been given access to the E-Waste EPR Portal through creation of login credentials. SPCBs/PCCs can submit their quarterly progress reports through the EPR Portal.*
8. *CPCB has prepared and published on 09.09.2024 Guidelines on Environmental Compensation (EC) after obtaining approval from Ministry of Environment, Forest and Climate Change.*
9. *CPCB has prepared guidelines for assessment of the recycling capacity of the e-waste recycling units by SPCBs/PCCs.*
10. *CPCB has shared the methodology of carrying out inventorization of E-Waste generated from 106 EEEs as notified under the E-Waste (Management) rules, 2022 and the same shall serve as referral document for carrying out the inventory exercise.”*

12. During the course of hearing several questions were put to the CPCB Counsel with regard to compliance of the E-Waste (Management) Rules, 2022 and the procedure followed by CPCB to enforce and comply to the norms, including that of SPCBs. However, CPCB was unable to provide the satisfactory response. The CPCB needs to take serious steps to enforce the regulations, as the E-waste generated is already becoming a serious source of soil, water and air pollution. Keeping in view the seriousness of the matter, the following information needs to be provided:

- i. Total e-waste generation from organised and unorganized sectors for 2023-2024 and 2024-2025 State/UT wise.
- ii. The projected E-waste generation from the organized and unorganised sectors for 2023-2024 for the next five years in each of the State/UT
- iii. Quantity of State/UT, E-Waste imported into the country for processing, if any.
- iv. Details of the production of electronic equipment/articles, its collection after its disposal/usage, transportation, dismantling/recycling, extraction of all elements and compounds, including plastic/glass and final usage/disposal.
- v. The above details are also required for solar panels.
- vi. All units that come under the purview of EPR norms under E-waste Management Rules, 2016 and their compliance. Actions taken against the units that do not comply with EPR Norms.
- vii. Details of E-Waste recycling units district-wise wise in each State with their capacities and compliance.

viii. Steps taken by CPCB to identify unauthorised E-Waste recyclers and actions taken.

13. CPCB shall collect information on the above issues and submit a comprehensive report with a period of 8 weeks.

14. List on 22.08.2025

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 28, 2025
EA No.4/2024 &M.A. No. 9/2024
InOA No.512/2018 with
O.A No.1363/2024 and
O.A. No.1390/2024.
HB..