



2026:KER:31403

WP(C) No. 42787 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

WEDNESDAY, THE 8TH DAY OF APRIL 2026 / 18TH CHAITHRA, 1948

WP(C) NO. 42787 OF 2025

PETITIONERS:

- 1 SWAMI SARANAM ENTERPRISES
REPRESENTED BY ITS SOLE PROPRIETOR SANJEEV KUMAR.S.,
AGED 45 YEARS
GRA 35. RAMBANKUNNU RD, TPN, ERNAKULAM, PIN - 682305
- 2 SANJEEV KUMAR. S
AGED 45 YEARS
S/O.SIVARAMAN NAIR. N., PROPRIETOR,
SWAMI SARANAM ENTERPRISES, GRA 35. RAMBANKUNNU RD,
TPN, ERNAKULAM RESIDING AT SREESHYLA, I.N. MENON LINE,
VADAKKEKOTTA, TRIPUNITHURA, ERNAKULAM, PIN - 682031

BY ADVS.
SHRI. BEJOY JOSEPH P.J.
SRI.M.RAMESH CHANDER (SR.)
SHRI. GOVIND G. NAIR
SRI.BALU TOM
SRI.BONNY BENNY
SRI.P.M.RAJAGOPAL

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO DEVASWOM (REVENUE) ,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM,
PIN - 695001



2026:KER:31403

WP(C) No. 42787 of 2025

2

- 2 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY,
DEVASWOM HEAD QUARTERS, NANDANCODE,
THIRUVANANTHAPURAM, PIN - 695003
- 3 COMMISSIONER
TRAVANCORE DEVASWOM BOARD,
OFFICE OF THE COMMISSIONER,
TRAVANCORE DEVASWOM BOARD OFFICE,
NANTHANCODE, THIRUVANANTHAPURAM, PIN - 695003
- 4 EXECUTIVE OFFICER
SABARIMALA-MALIKAPPURAM DEVASWOM,
SANNIDHANAM, SABARIMALA,
PATHANAMTHITTA, PIN - 689662
- 5 FOREST DEPARTMENT
GOVERNMENT OF KERALA,
REPRESENTED BY ITS CHIEF CONSERVATOR OF FOREST,
FOREST HEADQUARTERS, VAZHUTHACAUD,
THYCAUD. P.O., THIRUVANANTHAPURAM, PIN - 695014
- 6 CENTRAL POLLUTION CONTROL BOARD,
REPRESENTED BY ITS DIRECTOR,
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI, PIN - 110032
- 7 GREEN DOT BIPAK
GODOWN NO.1, JOSHI ESTATE -3, BLOCK NO.197,
B/H BHAGYODAY HOTEL, NR.SIDDHI OIL MILL,
CANAL ROAD, SARKHEJ-BAWLA HIGHWAY CHANGODAR,
AHMEDABAD, GUJARAT,
REPRESENTED BY ITS AUTHORISED SIGNATORY, PIN - 382213

ADDL R8 KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS CHAIRMAN, HEAD OFFICE,
P.O.PATTOM, THIRUVANANTHAPURAM

(ADDL R8 SUO MOTU IMPEADED AS PER ORDER DATED
10.04.2026 IN IA NO. 2 OF 2025)



2026:KER:31403

WP(C) No. 42787 of 2025

3

BY ADVS.

SHI. G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

SRI. K.A.SALIL NARAYANAN

SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL BOARD,

SMT. RESHMI. K.M, SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR FINAL HEARING ON
08.04.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



"CR"

J U D G M E N T**Raja Vijayaraghavan. V, J.****Background And Nature Of The Petition:**

Swami Sharanam Enterprises, the 1st petitioner herein, is a proprietary concern run by the 2nd petitioner and is engaged in the manufacture of plant-based, compostable bottles and allied products. The petitioners have approached this Court seeking a direction to the Travancore Devaswom Board to permit them to sell two of their products at Sannidhanam. Both products are packed in bottles made from PLA (Polylactic Acid) preforms sourced from the 7th respondent. The bottles are blow-moulded from the preforms by the petitioner and filled with water at BLU Industries' facility at Mudakkuzha, Ernakulam, which concern holds a valid FSSAI licence. The petitioner asserts that these materials are manufactured using 100% biodegradable, plant-based products and are derived from renewable sources such as corn, sugarcane, and cassava. Though the final product resembles conventional plastic in appearance and texture, it is environmentally sustainable, as it is not derived from crude oil and is capable of decomposing under appropriate composting conditions.



2. The petitioner contends that the materials sourced from the 7th respondent carry certifications affirming their biodegradable nature, thereby positioning the product as an eco-friendly alternative to conventional plastic bottles.

3. The petitioner asserts that various tests have been carried out by the manufacturer which would show that none of the components of plastics or synthetic materials are present.

a) Ext.P1 is the DIN CERTCO certification issued in 2020 in respect of the raw materials in favor of Green Dot Biopak. The said report says that the holder of the certificate is granted the special entitlement for advertising purposes for the mark of conformity shown in the certificate in conjunction with the specified registration number.

b) Ext.P2 is the test report issued in the year 2021 by CIPET, Kochi, confirming that the pellets and film used are compostable. The material that was provided has been identified as a blend of Polylactic Acid and Poly Butylene Adipate Co-Terephthalate. The said certificate states that the submitted sample for testing consisted of compostable film made out of 'Greendot' compostable pellets (as declared by the party) complies to the requirements of Cl.6.2 & 6.3 of ISO 17088-2012/IS 17088-2008.



c) Exts.P3 and P9 are laboratory reports issued by HEXIQON Laboratory in the years 2023 and 2025 respectively, which certify that the final product does not contain any plastic or synthetic materials.

d) Ext.P4 is the certificate issued by the Central Pollution Control Board in 2023 to Green Dot Biopak for manufacturing and selling of compostable plastic bags and commodities in Indian Markets. The CPCB has issued the said certificate by imposing certain conditions. It says that the end product 'compostable plastics' shall be manufactured using the raw materials 'PLA , PBAT ' and following the production process detailed in the schedule.

e) Ext.P5 is a certificate issued by Greendot Biopack declaring that they are supplying compostable preform to Swami Saranam Enterprises and they have appointed the 1st petitioner as a final user and supplier for preform and compostable bottles.

f) Ext.P9 is the test report issued by HEXIQON, a private lab, to the 1st petitioner to ascertain whether the compostable bottle conforms to IS 15410, IS 9845, IS 3025 Part 2 and ISO 18856. It says that though the sampling was not done in a laboratory, the same conforms to the specification.

g) Ext.P10 is the Form C certificate issued by the Commissionerate of Food Safety , FSSAI, permitting Blu Industries , Perumbavoor, to carry out general manufacturing of Carbonated Fruit Beverages, Mineral Water, Packaged Drinking



Water etc. Further, Exhibit P12 is the test report dated December 2025 issued by CIPET, which confirms that the petitioner's bottle and bottle cap are made of polylactic acid.

h) Ext.P11 is a Lab Report issued by SMS Labs Services Pvt Limited certifying that the sample of water provided for testing by M/s Blu Industries Kodanad conforms to IS specifications.

i) Ext. P12 is the CIPET Test Report on the PLA Bottle issued in December 2025. It is the Material identification test on the petitioner's finished bottle and cap. It says that the bottle is made of Polylactic acid (PLA) and the cap is made of Poly butylene adipate-co-terephthalate (PBAT).

4. According to the petitioners there is no restriction or embargo on the supply of non-plastic products at Sabarimala, Pamba, and Nilakkal. It is further contended that the Central Pollution Control Board itself has certified the raw material manufacturer, Green Dot Biopak, under the Plastic Waste Management Rules, 2016 (PWM Rules , for brevity) .

5. According to the petitioner, the bottles manufactured and sold by them can be effectively collected after use and recycled into other utility products such as spoons, forks, knives, and similar items. It is stated that the petitioner proposes to deploy dedicated staff to collect used bottles from waste management points to ensure that they are channelled for proper recycling. In the alternative, the



petitioner submits that, if subjected to composting, the products will naturally decompose in soil or composting facilities, in a manner comparable to paper or cardboard. It is further contended that, in situations where disposal by incineration becomes necessary, the bottles can be safely incinerated without the emission of toxic gases, unlike conventional plastic. Upon incineration, the primary by-products are stated to be water vapour and carbon dioxide, without the release of harmful substances such as chlorine, dioxins, or heavy metal fumes, thereby making the process environmentally safer for both air and land. The petitioner also asserts that even in the event of accidental consumption by animals, the plant-based nature of the product ensures that no harm would be caused.

6. The petitioner further emphasises that, in the absence of adequate availability of safe drinking water bottles at Sabarimala and along the trekking routes, the introduction of biodegradable water and juice bottles would significantly benefit the pilgrims. It is contended that such an initiative would serve as an environmentally sustainable solution while also addressing the practical needs of Ayyappa devotees.

7. The petitioner further contends that the respondents are unlawfully restraining the petitioner from carrying on its lawful trade and profession, thereby infringing the fundamental rights guaranteed under Article 19(1)(g) read with Article 21 of the Constitution of India.

**Counter Affidavits Filed By Respondents:**

8. The Forest Department has filed two counter affidavits. In the counter filed by the Chief Conservator of Forests (Wildlife) and Field Director, Kottayam, and by the Technical Assistant and Assistant Conservator of Forests, Southern Circle, Kollam they have refuted the contentions advanced by the petitioner. It is contended that the introduction of any form of bottles, whether claimed to be biodegradable or otherwise, poses a serious threat to wildlife in and around the ecologically sensitive Sabarimala forest region. According to the Forest Department, such materials are likely to accumulate in the forest areas due to improper disposal and may be consumed by wild animals, thereby endangering their lives. It is specifically asserted that the risk persists irrespective of whether the material is degradable or non-degradable, and that permitting distribution would inevitably lead to an increase in solid waste within forest limits, with adverse ecological consequences. The Forest Department has also disputed the validity and reliability of the certifications produced by the petitioner. It is contended that the documents relied upon are largely reports issued by private laboratories and do not constitute certifications from competent statutory or government authorities. The Department further contends that the technology claimed by the petitioner, along with its environmental safety and sustainability, has not yet been conclusively established through recognised governmental validation. It is pointed out that Exhibits P9 and P11 are



test reports issued by private entities and, therefore, cannot be treated as authoritative or sufficient to establish compliance with environmental standards.

9. In the counter affidavit filed by the Central Pollution Control Board it is contended that polylactic acid (PLA), which forms the basis of the petitioner's product, falls within the category of "compostable plastic" under Rule 3(e) of the Plastic Waste Management Rules, 2016, and not "biodegradable plastic" as defined under Rule 3(ac). It is emphasised that these are distinct statutory categories and cannot be used interchangeably to claim environmental compliance. All compostable plastics are to conform to Indian Standard IS/ISO 17088:2021 titled as Specifications of Compostable Plastics as per Rule 4 (h) of the PWM Rules and the manufacturer or seller of compostable Plastics are required to obtain a certificate from CPCB before marketing or selling as per Rule 4 (ha) of the PWM Rules as amended. No such certification has been obtained by Swami Saranam Enterprises for the products in question. The CPCB has prepared the standard Operating Procedure (SOP) for issuing certificates to manufacturers/ sellers of compostable plastic carry bags and commodities. It is further contended that compostable plastics such as PLA can be converted into compost only under controlled industrial composting conditions, and not in open or natural environments. In such uncontrolled settings, the material does not readily decompose and instead contributes to environmental litter. The CPCB also points out that the certificate relied upon by the petitioner (Exhibit P4) was issued to Green Dot Biopak only for the manufacture and sale of compostable



plastic packaging film and carry bags, and not for bottle preforms or finished bottles as is evident from the process flow diagram. Additionally, it is highlighted that the raw material used by Green Dot Biopak includes not only PLA but also PBAT (Polybutylene Adipate Terephthalate), which is a petrochemical-based polymer, thereby negating the claim that the final product is entirely plant-based. It is also pointed out that the 2024 amendment to the PWM Rules permits the use of compostable plastics only for specified items such as plates, cups, glasses, cutlery, straws, trays, wrapping films, invitation cards, cigarette packets, banners, and stirrers, and that beverage bottles do not fall within the permissible category. Lastly, it is submitted that the certifications relied upon by the petitioner, including DIN CERTCO (EU standards), CIPET reports, and HEXIQON laboratory reports, are not recognised under Schedule I of the PWM Rules as valid certifications for compostable plastics, and therefore cannot be relied upon to establish statutory compliance.

10. In the counter affidavit filed by the Kerala State Pollution Control Board (KSPCB) it is stated that Notification No. KSPCB/1572/2025-SEE-1 dated 07.11.2025 has been issued imposing a ban on plastic items, including PET bottles and even glass bottles, at Nilakkal, Pamba, and Sabarimala during the pilgrimage season, and that the said notification continues to remain in force. It is also pointed out that there are no industrial composting facilities presently available in the State of Kerala for the effective disposal of compostable plastics, thereby rendering the petitioner's



claim of environmentally safe composting impractical and unworkable in the existing infrastructural context. Further, it is contended that the petitioner has not produced any certification issued by the Central Pollution Control Board in respect of the manufacture of compostable bottles either in the name of Swami Saranam Enterprises or under the brand name "Bio Theertham," as mandated under the applicable rules. It is also reiterated that the certifications relied upon by the petitioner, including those issued by DIN CERTCO, CIPET, and HEXIQON laboratories, are not recognised under the Plastic Waste Management Rules as valid or approved certifications for compostable materials, and therefore cannot be treated as sufficient compliance with the statutory requirements.

11. In the counter affidavit filed by the Travancore Devaswom Board it is contended that the allotment of shops at Sabarimala is governed strictly by a public tender process, and that no private entity can claim, as a matter of right, permission to sell goods at the pilgrimage sites without participating in the established tender mechanism. It is emphasised that the petitioner has no statutory entitlement or enforceable legal right to seek such permission dehors the tender process. It is also pointed out that the Travancore Devaswom Board (TDB) does not have any statutory authority to certify or declare the environmental safety of any product, as such matters fall exclusively within the domain of competent environmental and food safety regulatory authorities. It is contended that adequate alternative arrangements have already been put in place to cater to the needs of devotees,



including the provision of free drinking water through kiosks and medicated drinking water points, all of which operate efficiently without the use of plastic or similar materials. It is also contended that the petitioner has not independently verified or established the safety and compliance of either the raw materials or the finished products.

Submissions Heard:

12. We have heard the submissions of Sri Ramesh Chander, the learned counsel appearing for the petitioner as instructed by Sri Bejoy Joseph, Sri M. Ajay, the learned counsel appearing for the CPCB, Sri T. Naveen, the learned counsel appearing for the KSPCB, Sri Biju, the learned Standing Counsel appearing for the Travancore Devaswom Board, and Sri Rajmohan, the learned Government Pleader.

The Ecological And Legal Significance Of Sabarimala:

13. Before we consider the legitimacy of the claim advanced by the petitioners that the PLA bottle manufactured by them are 100 % plant based, biodegradable and compostable and that it will not result in any harm to the animals of the periyar tiger reserve or to the environment even if it is left as such, it would be apposite to understand the nature of the sacred area where the Sabarimala Temple is situated. The adjudication of the issues raised in this writ petition requires this Court to navigate a confluence of regulatory, scientific, constitutional, and



ecological questions, each of which bears upon the other and none of which can be considered in isolation.

14. The Sabarimala Sannidhanam, the sacred abode of Lord Ayyappa, sits at an altitude of approximately 914 metres above sea level, nestled within the folds of the Western Ghats mountain range in Pathanamthitta district, Kerala. The Western Ghats — stretching over 1,600 kilometres along the western edge of peninsular India — is recognised by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as a World Heritage Site. It is identified by Conservation International as one of the eight globally recognised hotspots of biological diversity — among the world's ten most species-rich and most threatened terrestrial ecosystems. Every species, every river, every hectare of forest within this landscape represents millions of years of evolution. Once lost, none of it can be restored. In short, Sabarimala is situated in one of the most ecologically fragile and biologically irreplaceable landscapes on earth. In view of the above significance, the contentions forcefully advanced by the learned Senior Counsel cannot be regarded as a routine dispute about commercial licences or trade rights. The prayer, essentially, is to permit the petitioner to introduce millions of synthetic polymer containers into the heart of one of earth's most irreplaceable biological treasures. The stakes are permanent and the harm, if it occurs, is irreversible.

15. Another aspect of utmost significance is that the temple is situated within the Periyar Tiger Reserve. The Periyar Tiger Reserve is not merely a forest. It is a



Critical Tiger Habitat (CTH) — a designation made under Section 38V of the Wildlife (Protection) Act, 1972. Section 38V(4) of the Wildlife Protection Act provides that no person shall destroy, exploit, or remove any wildlife including forest produce from a Critical Tiger Habitat, or destroy, damage, or divert the habitat for any purpose not consistent with the objectives of conservation. The legal burden under this provision is uniquely reversed — unlike most civil and regulatory proceedings where the State must establish harm, here the applicant must affirmatively demonstrate that its proposed activity is consistent with conservation objectives. The Forest (Conservation) Act, 1980 and the Kerala Forest Act, 1961 further apply to the reserved and protected forest land upon which Sannidhanam stands. Any activity within reserved or protected forest that is not specifically authorised by the competent forest authority is, by operation of law, prohibited.

16. Over and above all these factors, Exhibit R8(a)—the notification issued by the Kerala State Pollution Control Board dated 07.11.2025—clearly reveals that the Western Ghats Ecology Expert Panel, constituted by the Government of India, has classified Sabarimala and its surrounding areas as an Ecologically Sensitive Area (ESA). The designation of an area as an ESA under the Environment (Protection) Act, 1986 attracts the highest standard of environmental protection recognised under our legal framework. Such classification is not merely declaratory in nature; it serves as a clear and unequivocal signal to all authorities—administrative, judicial, and regulatory—that the region demands the most stringent and vigilant protective



measures. In the present case, the Temple is situated in a region that is, at once, a Critical Tiger Habitat, a Protected Area, a Reserved Forest, and an Ecologically Sensitive Area. This layered protection underscores the ecological fragility of the region and elevates the threshold of permissible activity to the highest level of scrutiny. In this backdrop, the Precautionary Principle, as authoritatively articulated by the Supreme Court of India in **Vellore Citizens Welfare Forum v. Union of India**¹ and consistently reaffirmed in subsequent environmental jurisprudence, squarely applies. The principle mandates that where there exists credible scientific evidence of potential serious or irreversible environmental harm, the absence of complete scientific certainty cannot be a ground to defer or dilute preventive measures. In **Vellore** (supra), it was observed as under:

"13. The Precautionary Principle and the Polluter Pays Principle have been accepted as part of the law of the land. Article 21 of the Constitution of India guarantees protection of life and personal liberty. Articles 47, 48-A and 51-A(g) of the Constitution are as under:

"47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.—The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

¹

1996 (5) SCC 647



48-A. Protection and improvement of environment and safeguarding of forests and wildlife.—The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. 51-A. (g) to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.” Apart from the constitutional mandate to protect and improve the environment there are plenty of post-independence legislations on the subject but more relevant enactments for our purpose are: the Water (Prevention and Control of Pollution) Act, 1974 (the Water Act), the Air (Prevention and Control of Pollution) Act, 1981 (the Air Act) and the Environment (Protection) Act, 1986 (the Environment Act). The Water Act provides for the constitution of the Central Pollution Control Board by the Central Government and the constitution of the State Pollution Control Boards by various State Governments in the country. The Boards function under the control of the Governments concerned. The Water Act prohibits the use of streams and wells for disposal of polluting matters. It also provides for restrictions on outlets and discharge of effluents without obtaining consent from the Board. Prosecution and penalties have been provided which include sentence of imprisonment. The Air Act provides that the Central Pollution Control Board and the State Pollution Control Boards constituted under the Water Act shall also perform the powers and functions under the Air Act. The main function of the Boards, under the Air Act, is to improve the quality of the air and to prevent, control and abate air pollution in the country. We shall deal with the Environment Act in the latter part of this judgment.

14. In view of the above-mentioned constitutional and statutory provisions we have no hesitation in holding that the Precautionary Principle and the Polluter Pays Principle are part of the environmental law of the country.



Consequently, the burden shifts entirely, and without qualification, onto the petitioner to affirmatively demonstrate that the proposed activity is environmentally benign and will not result in any form of ecological harm.

17. It is also to be noted that the Periyar Tiger Reserve hosts a significant population of apex predators, including approximately 35 to 40 tigers, and is recognised as supporting the largest population of Asian elephants within any single Protected Area in India. The reserve is home to a wide range of ecologically important species, including leopards, dholes (wild dogs), gaur (Indian bison), sambar deer, spotted deer, wild boar, Nilgiri tahr, lion-tailed macaques, Malabar giant squirrels, and the critically endangered Nilgiri langur. The forest canopy sustains an extraordinary avian diversity, with over 260 species of birds recorded in the region, including the great hornbill, Indian peafowl, Malabar grey hornbill, serpent eagles, and a rich variety of waterbirds associated with the Pamba river system. The reserve also supports important reptilian fauna, including king cobras and several freshwater reptile species of conservation concern. The Pamba River—which holds deep religious significance as the river at whose banks pilgrims bathe before ascending to Sannidhanam—is not merely a spiritual symbol. It is a living freshwater ecosystem of exceptional ecological and scientific importance. Originating in the Western Ghats at an elevation of approximately 1,650 metres and flowing through the core of the Periyar Tiger Reserve, the river supports several endemic freshwater fish species, including members of the genus *Puntius*, the iconic *Tor tor* mahseer, and *Labeo*



species, many of which are listed on the IUCN Red List of Threatened Species. The river system further sustains a diverse assemblage of aquatic and semi-aquatic life, including otters, freshwater mussels, crabs, and multiple species of freshwater turtles, all of which play a vital role in maintaining ecological balance. It is also relevant to note that the Periyar region receives an annual rainfall ranging between 3,000 and 5,000 millimetres. In such a high-rainfall landscape, any material deposited along the riverbanks or trekking pathways is inevitably carried into the river system, thereby directly impacting its ecological integrity.

Issues For Consideration:

18. With the above background, we shall now proceed to consider the legal contentions raised by the petitioners.

19. We shall first examine whether the petitioners' insistence upon selling and marketing "Bio Theertha" water bottles at Sabarimala, Pamba, and Nilackal is, as they claim, genuinely motivated by a desire to offer an eco-friendly alternative to the pilgrims of this sacred site or whether the product, despite its biodegradable credentials, is fundamentally unsuitable for use in an ecologically sensitive area of this character, regardless of the commercial motivation behind it.

20. We shall thereafter consider the specific regulatory contention advanced by the petitioners that they are not obliged to obtain any certificate, permit, or licence either from the Central Pollution Control Board or from the State Pollution



Control Board, and that the entire burden of regulatory compliance rests upon the 7th respondent, M/s Green Dot Biopak, as the manufacturer of the raw material. The petitioners contend that since the 7th respondent has already obtained a certificate from the CPCB under the Plastic Waste Management Rules, 2016, as amended, that certification enures to their benefit and they are entitled to sell the end product — the "Bio Theertha" water bottle — on the strength of the 7th respondent's compliance. This contention raises fundamental questions about the architecture of the regulatory framework under the PWM Rules and the extent to which a certification obtained by an upstream raw material supplier can relieve a downstream brand owner and seller of its independent compliance obligations under the statute and the rules made thereunder.

21. We shall also examine the significant regulatory gaps that emerge when the petitioners' claim is tested against the plain language of the PWM Rules, 2016 as amended, and the standards prescribed thereunder. Essentially the contention advanced is that despite manufacturing the compostable plastic bottle from raw material sourced from the 7th respondent, and despite marketing and selling it under their own brand at a pilgrimage site situated within the Periyar Tiger Reserve, they do not fall within the definition of either a "manufacturer" under Rule 3(m) or a "producer" under Rule 3(l) of the PWM Rules. This contention calls for a careful and purposive reading of the relevant definitions in the light of the scheme and object of the Rules, the obligations imposed by Rule 4(ha) upon persons engaged in



marketing or selling compostable plastic commodities, the registration requirements under Schedule II read with Rule 10, and the role of the brand owner as recognised under the 2024 Amendment to the Rules. The resolution of this contention will determine whether the regulatory framework as it presently stands permits the petitioners to market and sell the "Bio Theertha" bottle without obtaining their own CPCB certification — and if it does not, whether the absence of such certification is a curable procedural deficiency or a substantive disqualification that goes to the root of the petition.

22. In the writ petition, in more than one place, the petitioner asserts that the bottle cap, the bottle pre form, the label and the string film are supplied by the 7th respondent and they are made using 100% biodegradable material obtained from plant based material. These assertions are made all through the writ petition. Under no circumstances can the terms be used interchangeably. Compostable and biodegradable plastics constitute distinct legal categories under the statutory framework, each governed by separate definitions and certification requirements; a product that qualifies as compostable cannot, by that very fact, be treated as biodegradable, nor can it simultaneously satisfy both categories without independent compliance with the respective standards. We shall deal with this issue after taking note of the test reports produced by the petitioners.

**Analysis Of The Petitioner's Test Reports And Certifications:**

23. The test reports produced by the petitioners themselves will throw serious doubts on the case set up by the petitioners with regard to biodegradability and that the bottle is manufactured using 100 % plant based materials.

24. Ext.P1 is the DIN CERTCO Certificate (European Union), a conformity assessment body accredited under the German Institute for Standardisation (DIN), widely recognised in the European Union to M/s Green Dot Biopak. It only says that the sample conforms to European Standard EN 13432. This is the EU specification for packaging recoverable through composting and biodegradation. EN 13432 requires at least 90% biodegradation within 6 months and disintegration to particles below 2mm within 12 weeks, under controlled industrial composting conditions.

25. Ext.P2 is the CIPET Interim Test Report issued in respect of a "compostable film made out of GREENDOT compostable pellets (as declared by the party)," which was tested against the standard ISO 17088:2012. It is significant to note that, under the Plastic Waste Management Rules, the applicable and current testing standard is IS/ISO 17088:2021. A closer reading of the report reveals that the material identification carried out through FTIR/DSC analysis confirms that the sample is not pure PLA, but a blend of PLA and PBAT (Polybutylene Adipate Terephthalate). PBAT is made from petrochemicals. The petitioner's claim that their product is "100% plant-based" is therefore incorrect. PBAT being a



petrochemical-derived polymer, this finding directly undermines the petitioner's claim that the product is "100% plant-based." Furthermore, the tests have been conducted under controlled industrial composting conditions at a temperature of approximately 58°C, and not under ambient or natural environmental conditions. Finally, the report pertains only to the raw material film supplied by Green Dot Biopak and does not relate to the bottle manufactured by the petitioners using the raw materials supplied by the 7th respondent.

26. Ext.P4 is the certificate issued by the Central Pollution Control Board to Green Dot Biopak. A careful reading of the conditions therein would reveal that under Condition (i), it is stipulated that the end product described as "compostable plastics" shall be manufactured using the raw materials PLA and PBAT, in accordance with the specified production process detailed in Annexure I. However, a perusal of Annexure I makes it evident that the approved manufacturing process pertains only to pellet manufacture and the production of packaging film and carry bags, and does not extend to the manufacture of bottle preforms or finished bottles. This clearly indicates that the scope of the certification is limited and does not cover the category of products sought to be introduced by the petitioner. Further, Condition (ii) mandates that each carry bag or commodity made from compostable material must bear the label "COMPOSTABLE IS/ISO:17088" in English as well as in the regional language, along with the printed code and certificate number of the manufacturer. This requirement underscores the regulatory



framework governing traceability and compliance, and indicates that the certification is product-specific and subject to strict conditions, which must be demonstrably satisfied. In the counter affidavit filed by the Central Pollution Control Board it is specifically stated that the certificate dated 09.08.2023 was issued to M/s Green Dot Biopak only for the manufacture and sale of compostable plastic packaging film and carry bags, and not for the manufacture of compostable plastic preforms or bottles.

27. Ext.P12 is the CIPET Test Report dated December 2025, pertaining to the petitioner's finished bottle and cap, and constitutes a material identification test conducted by a Government of India laboratory. A careful reading of the report reveals that while the bottle body is made of PLA, the bottle cap contains a blend of PLA and PBAT. PBAT (Polybutylene Adipate-co-Terephthalate) is a petrochemical-based polymer synthesised from substances such as 1,4-butanediol, adipic acid, and terephthalic acid, all of which are derived from petroleum. This finding assumes significant importance for multiple reasons. Firstly, it corroborates the stand taken by the Central Pollution Control Board in its counter affidavit that Green Dot Biopak utilises a combination of PLA and PBAT in its materials. Secondly, it directly contradicts the petitioner's consistent assertion that the product is "100% natural" and entirely plant-based. Thirdly, it undermines the petitioner's argument regarding animal safety, as the bottle cap—being the component most susceptible



to detachment—is composed partly of a petrochemical polymer and is therefore more likely to pose a risk if ingested by birds or smaller animals.

28. The test reports produced by the petitioner would only show that the petitioner is manufacturing bottles using the raw materials supplied by the 7th respondent and it contains PLA and PBAT. The end product is compostable under industrial conditions and the finished product under no circumstances can be considered as a biodegradable plastic.

Regulatory Framework Under The Plastic Waste Management Rules, 2016

29. We shall now deal with the provisions under the PWM Rules, 2016 as amended to evaluate the contention of the petitioners that despite the petitioners selling the end product they will neither fall under the ambit of the term manufacturer or seller of the commodity as defined under the Rules.

30. Rule 3 (e) defines compostable plastics. The same reads as under:

3(e) "compostable plastics" mean plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds and biomass at a rate consistent with other known compostable materials, excluding conventional petro-based plastics, and does not leave visible, distinguishable or toxic residue;



31. We have gone through the website <https://standards.iteh.ai/catalog/standards/sist/f6c8f7de-bf7c-4341-8dd8-b2eef7e53bed/iso-17088-2021> where ISO 17088:2021(Main) specifications for compostable plastics are available. The standard specifies procedures and requirements for plastics and products made from plastics that are suitable for recovery through organic recycling, addressing four aspects: biodegradation, disintegration during composting, negative effects on the composting process, and negative effects on the quality of the resulting compost. The standard is intended to be used as the basis for systems of labelling and claims for compostable plastics materials and products. It does not provide information on requirements for the biodegradability of plastics which end up in the environment as litter. It is also not applicable to biological treatment undertaken in small installations by householders. The Standard Operating Procedure (SOP) for issuing Certificates to Manufacturers/Sellers of Compostable Plastic Carry Bags/Products has been brought out by the CPCB as well.

32. From the publicly available information and the details placed before us by the learned counsel appearing for the PCB, we find that composting of polylactic acid (PLA) is a controlled biological process in which microorganisms break down the material into carbon dioxide, water, and biomass (humus). However, this process does not occur under ordinary environmental conditions. It requires specific industrial composting settings, without which PLA remains largely unchanged. The



process begins with thermal hydrolysis, which is the critical stage. PLA products must be subjected to sustained temperatures between 55°C and 70°C in an industrial composting facility. At such temperatures, water molecules gain sufficient energy to break the ester bonds in the polymer chains, gradually converting them into smaller molecules and eventually into lactic acid. This stage typically takes between 30 to 45 days. Once this initial breakdown is achieved, the process moves to microbial assimilation. At this stage, naturally occurring microorganisms such as bacteria and fungi utilise the lactic acid as a source of energy. This phase proceeds relatively quickly, resulting in the production of carbon dioxide, water, and microbial biomass. The final stage involves maturation, where the material stabilises into usable compost. Under ideal industrial conditions, the entire process—from the original PLA product to finished compost—takes approximately 60 to 90 days, in accordance with IS/ISO 17088:2021. In contrast, at ambient temperatures—such as around 25°C, which is typical in regions like Kerala—the rate of hydrolysis is extremely slow, making any meaningful degradation practically negligible. It is also important to note that such conditions are not achievable in natural environments. Backyard composting, open soil conditions, landfills, or forest areas do not maintain the required temperature levels for prolonged periods. Without the initial thermal hydrolysis stage, the subsequent biological breakdown cannot occur. As a result, PLA products persist in the environment for extended periods, behaving much like conventional plastic rather than decomposing as contended by the petitioners.



33. Rule 3(ac) of the PWM Rules, 2016 defines biodegradable plastics, which reads as under:

(ac) "Biodegradable plastics", means plastics, other than compostable plastics, which undergoes degradation by biological processes in specific environment such as soil, landfill, sewage sludge, fresh water, marine, without leaving any micro plastics or visible or distinguishable or toxic residue, which has adverse environment impact;

34. It can immediately be noticed that the opening words of Rule 3(ac) "plastics, other than compostable plastics" would mean that the legislature, while drafting the definition, deliberately and expressly excluded compostable plastics from the biodegradable plastics category. We are of the view that such exclusion was deliberate since scientifically compostable plastics (like PLA) do not meet the standard of degrading in natural environments like soil, freshwater, or marine settings.

35. In its broadest scientific sense, biodegradation refers to the breakdown of a material by naturally occurring microorganisms such as bacteria, fungi, and algae into simpler, natural compounds. A material that is truly biodegradable can degrade across a wide range of natural environmental settings such as soil, water, landfills, or even marine environments without the need for specially engineered or controlled conditions. Materials like wood, leaves, cotton, or decompose naturally in a garden, in a river, or when buried in the earth, as the microorganisms required for



their breakdown are abundantly present in nature and operate effectively at ambient temperatures. Biodegradation does not require any form of industrial intervention. The process occurs spontaneously upon exposure to natural microbial activity, without the necessity for specialised facilities or elevated temperature regimes. Most importantly, true biodegradation is complete in nature. The material is fully assimilated by microorganisms, leaving behind no persistent fragments, no microplastic-like residues, and no toxic by-products. The end result is the formation of harmless natural substances such as carbon dioxide, water, mineral salts, and biomass. Viewed in the above scientific and statutory context, it becomes clear that a product cannot simultaneously satisfy the definitions of both “compostable plastic” under Rule 3(e) and “biodegradable plastic” under Rule 3(ac) of the Plastic Waste Management Rules. If a product is classified as compostable, it is, by definition, excluded from the category of biodegradable plastics. The petitioner, therefore, cannot employ both expressions interchangeably in respect of the same product. By asserting that the product is compostable under Rule 3(e), the petitioner has, in effect, placed it outside the ambit of biodegradable plastic as defined under Rule 3(ac).

36. One of the contentions advanced by the CPCB and the KPCB are that the petitioner is required to obtain certification issued by the Central Pollution Control Board in respect of the manufacture of compostable bottles either in the name of Swami Saranam Enterprises or under the brand name “Bio Theertham,” as



mandated under the applicable rules. On the other hand, the petitioner contends that they are manufacturing the bottles along with caps and film using the raw materials supplied by the 7th respondent and as the 7th respondent is having a valid certification, the petitioner is not required to obtain the same. Essentially the contention is that the petitioners are not 'manufacturing' compostable plastic but only converting a pre-certified material into a bottle and therefore the certification obligation under Rule 4(ha) does not apply to them. We are afraid that the said contention advanced by the petitioner cannot be accepted.

37. Rule 3 (b) of the PWM Rules defines a 'brand owner' as follows:

(b) "brand owner" means a person or company who sells any commodity under a registered brand label or trademark

38. Rule 3 (d) of the PWM Rules defines 'commodity' as follows:

(d) "commodity" means tangible item that may be bought or sold and includes all marketable goods or wares;

39. Rule 3 (m) of the PWM Rules defines a 'manufacturer'. The said provision reads as under:

(m) "manufacturer" means and includes a person engaged in production of plastic raw material, including compostable plastics and biodegradable plastics.

40. Rule 3 (o) of the PWM Rules defines a 'plastic '. The said provision reads as under:



Rule 3 (o) "plastic" means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polyethylene, Vinyl, low density polyethylene, polypropylene, polystyrene resins, multi-materials like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;

41. It is by interpreting the definition that the learned counsel contends that only the 7th respondent will come under the ambit of the definition manufacturer as they are the persons who are engaged in the production of compostable plastics. There appears to be some merit in the said submission. **P. Kasilingam And Others v. P.S.G College Of Technology And Others²**, the Apex Court had occasion to interpret the meaning of the term "means and includes" by the draftsman. The Apex Court held as under:

"A particular expression is often defined by the Legislature by using the word 'means' or the word 'includes'. Sometimes the words 'means and includes' are used. The use of the word 'means' indicates that "definition is a hard-and-fast definition, and no other meaning can be assigned to the expression than is put down in definition". (See : Gough v. Gough (1891) 2 QB 665) The word 'includes' when used, enlarges the meaning of the expression defined so as to comprehend not only such things as they signify according to their natural import but also those things which the clause declares that they shall include. The words "means and includes", on the other hand, indicate "an exhaustive explanation of the meaning which, for the purposes of



the Act, must invariably be attached to these words or expressions”.

(See : Dilworth v. Commissioner of Stamps 1899 AC 99)

42. As observed above the words 'means and includes" indicates an exhaustive explanation of the meaning which for the purpose of the Rule must invariably be attached to the above word and expression.

43. However reading Rule 4 gives a different indication. The said provision provides for the conditions that are to be complied with for the manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or covers made of plastic sheets and plastic packaging. The said provision reads as under:

4. Conditions.--

(1) The manufacture, import, stocking, distribution, sale and use of carry bags, plastic sheets or like, or cover made of plastic sheet and plastic packaging, shall be subject to the following conditions, namely:--

(a) xxxxx;

(b) xxxxx;

(c) xxxxx;

(d) xxxxx;

(e) the manufacturer shall not sell or provide or arrange plastic to be used as raw material to a **producer or to a seller not registered under these rules;**



(f) xxxxx;

(g) xxxxx;

(h) the provision of thickness under clause (c) shall not apply to carry bags or commodities made from compostable plastic or biodegradable plastics. Carry bags and commodities made from compostable plastics shall conform to the Indian Standard: IS/ISO 17088:2021 titled as Specifications for Compostable Plastics.

(ha) the manufacture of carry bags and commodities covered under sub rule (3) shall be permitted to be made from compostable plastics or biodegradable plastics subject to mandatory marking and labelling laid down under these rules and the regulations of the Food Safety and Standards Authority of India for food contact applications. **The manufacturers of compostable plastic or biodegradable plastic carry bags or commodities permitted under the rules, shall obtain a certificate from the Central Pollution Control Board before marketing or selling;**

(i) xxxxx;

(j) xxxxx;

(2) xxxxx;

(a) xxxxx;

(b) xxxxx;

(3) The provisions of sub-rule (2) (b) shall not apply to commodities made of compostable plastic.



(3A) The manufacturer of commodities made from compostable plastics or biodegradable plastics shall report the quantity of such commodities introduced in the market and pre-consumer waste generated to the Central Pollution Control Board.

(4) xxxxx;

(5) xxxxx;

44. Rule 3 (s) of the PWM Rules defines a 'producer'. The said provision reads as under:

(s) "producer" means a person engaged in manufacturing of plastic packaging; and, includes a person engaged in manufacture of intermediate material to be used for manufacturing plastic packaging, and also the person engaged in contract manufacturing of products using plastic packaging or through other similar arrangements for a brand owners;

45. On a plain and careful reading of the PWM Rules, the term "manufacturer" can only be understood to refer to the person engaged in the production of plastic raw material. In that sense, the 7th respondent, which produces PLA/PBAT pellets, granules, preforms, and films, squarely falls within the definition of "manufacturer." In contrast, Swami Saranam Enterprises merely blow-moulds preforms into bottles, fills them with water, and markets them under the "Bio Theertha" brand. It does not manufacture the raw material; it only converts an already existing material



into a finished consumer product. Consequently, it may not fall within the ambit of “manufacturer” as defined under Rule 3(m).

46. If such a view is accepted, and the petitioner is held not to fall within the definition of “manufacturer,” the applicability of Rule 4(ha)—which refers to manufacturers of compostable plastic or biodegradable plastic carry bags or commodities—would, at first glance, appear to be open to doubt. However, a closer and more contextual reading of Rule 4(ha) reveals the difficulty in applying the definition so rigidly.

47. The expression “manufacturers of compostable plastic carry bags or commodities” cannot logically be confined to production of raw materials alone. A raw material producer does not manufacture carry bags or finished commodities; it merely produces the inputs from which such goods are made. In ordinary commercial understanding, a “manufacturer of carry bags” is the entity that actually produces the bags or commodities—not the entity that manufactures the plastic resin. If the definition in Rule 3(m) is applied without qualification, the phrase “manufacturer of carry bags or commodities” becomes internally inconsistent and practically unworkable.

48. In **Ramesh Mehta v. Sanwal Chand Singhvi**³, the Apex Court has held that a definition is not to be read in isolation. It was observed as under:

³ (2004) 5 SCC 409



27. A definition is not to be read in isolation. It must be read in the context of the phrase which would define it. It should not be vague or ambiguous. The definition of words must be given a meaningful application; where the context makes the definition given in the interpretation clause inapplicable, the same meaning cannot be assigned".

49. In **Bhavnagar University v. Palitana Sugar Mill (P) Ltd. And Others** ⁴, the Apex Court has held that while interpreting statutory provisions if while applying the definition it leads to an absurd, repugnant, or impracticable result, the contextual meaning must prevail. It was held that a definition should not be applied where it produces an outcome inconsistent with the scheme of the legislation. It was observed as under:

23. It is the basic principle of construction of statute that the same should be read as a whole, then chapter by chapter, section by section and words by words. Recourse to construction or interpretation of statute is necessary when there is ambiguity, obscurity, or inconsistency therein and not otherwise. An effort must be made to give effect to all parts of the statute and unless absolutely necessary, no part thereof shall be rendered surplusage or redundant.

24. True meaning of a provision of law has to be determined on the basis of what it provides by its clear language, with due regard to the scheme of law.

⁴ 2002 INSC 505



25. Scope of the legislation on the intention of the legislature cannot be enlarged when the language of the provision is plain and unambiguous. In other words statutory enactments must ordinarily be construed according to its plain meaning and no words shall be added, altered or modified unless it is plainly necessary to do so to prevent a provision from being unintelligible, absurd, unreasonable, unworkable or totally irreconcilable with the rest of the statute.

26. It is also well settled that a beneficent provision of legislation must be liberally construed so as to fulfil the statutory purpose and not to frustrate it.

50. Applying these principles, the term “manufacturer” in Rule 4(ha) must necessarily be understood in a broader, contextual sense — one that includes entities engaged in the manufacture of finished compostable plastic commodities. To hold otherwise would lead to an absurd consequence: that only raw material producers require CPCB certification, while those actually manufacturing and selling the final products escape regulation. Such an interpretation would defeat the very purpose of the rule. Furthermore, Rule 4(ha) is not confined to manufacturers alone; it explicitly mandates certification prior to “marketing or selling.” In other words the provision extends the regulatory obligation beyond production to the act of placing the product in the market.

51. It would be apposite at this juncture to consider the regulatory framework of the CPCB. The Standard Operating Procedure (SOP) for Issuing



Certificate to Manufacturers/ Sellers of Compostable Plastic Carry Bags/ Products available in the weblink:

<https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS9fMTU5OTcyMjUyNV9tZWRpYXBob3RvNjgzNi5wZGY%3D>.

The Standard Operating Procedure (SOP) provides for separate certification pathways—Form A for manufacturers and Form B for sellers/stockists—thereby expressly recognising that downstream entities involved in the manufacture, marketing, or sale of compostable plastic products must independently obtain certification. Significantly, the SOP does not contemplate any form of derivative or proxy certification based on the compliance of an upstream supplier. Each entity is required to stand on its own compliance footing.

Guidance for filling Application for Seller

Sl. No.	Item	Details		
1	Name and full address along with telephone numbers, e-mail and other contact details of the Seller/Selling unit	Provide name and address of the Seller, Selling unit along with postal address, telephone numbers, mobile numbers, e-mail id. -All documents including Undertaking, etc. to include the Selling unit address		
Central Pollution Control Board				
SOP for issuing Certificate to Compostable Plastic Manufacturers/Sellers				
2	Product details			
	Name of the Product	Quantity proposed to be procured(TPA	Details of Dealers, Stocklists and Users of the product	Name and Address of manufacturer for procurement of compostable bags
	A	B	C	C



	-Products details which is to be marketed.	-Proposed quantity of product to be procured from CPCB certified manufacturer.	Details of Dealers, stocklists and users of the product.	Name and address of CPCB manufacturers certified of compostable bags from whom the seller propose to procure.
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- Authorization letter issued to the seller from the concerned manufacturers. (Refer column 2(D))

Registration issued by SPCB/PCC to concerned manufacturer as per Rule 13(1) of Plastic Waste Management, 2018 for manufacturing of compostable carrybags. (Refer column 2(D) above)

- Undertaking as per format given in Annexure V has to be submitted along with the application

Checklist of documents to be submitted with the application is placed at Annexure VI

52. Going by the SOP, it would be difficult to hold that Swami Saranam, the 1st petitioner herein, will not fall within the category of a seller. These are regulatory gaps which are required to be corrected.

53. SCHEDULE-II of the PWM Rules 2016 contains the guidelines on Extended Producer Responsibility for Plastic Packaging and commodities made from compostable plastics or biodegradable plastics independently requires all manufacturers—including those engaged in the manufacture of bottles and other finished products—to obtain registration with the SPCB. This requirement operates in addition to, and not in substitution of, the CPCB certification mandated under Rule 4(ha). The multi-stakeholder registration framework under Schedule II makes it clear that the PWM Rules are designed to impose distinct and independent obligations on every entity in the supply chain. It leaves no room for an interpretation that compliance by one entity can absolve or substitute the statutory obligations of another.



54. Reading the provisions of Rule 4(ha) together with the layered compliance architecture under Schedule II, and a purposive reading of the certification regime reveals that the obligation is triggered at the stage of marketing or selling as well. The framework is unmistakably designed as a product-specific, entity-specific, point-of-sale safeguard, intended to ensure that only duly certified compostable plastic products enter the market, thereby protecting both the environment and the public from the risks associated with uncertified materials.

55. Further, the argument advanced by the petitioner that the 1st petitioner will not come within the ambit of manufacturer and producer as defined under the Rules inadvertently exposes a deeper regulatory consequence. If Swami Saranam is neither a “manufacturer” nor a “producer,” it necessarily falls within the category of a “brand owner.” The PWM Rules, particularly after the 2024 amendment, expressly recognise “brand owners” as a distinct and independently regulated class. Swami Saranam owns and markets the “Bio Theertha” brand; its name and identity are affixed to the product, and it is the entity that introduces the product into commerce. Brand owners are subject to independent compliance obligations, including registration and adherence to Extended Producer Responsibility requirements. These obligations operate irrespective of whether the entity manufactures the raw material. Consequently, Swami Saranam cannot avoid regulatory responsibility by relying on a narrow interpretation of “manufacturer.” This is evident from Rule 9 of the Rules which



deals with the responsibility of producers, importers and Brand Owners. Rule 9 reads as under:

Rule 9 Responsibility of producers, Importers and Brand Owners.--

(1) The Producers, Importers and Brand Owners who introduce any plastic packaging in the market shall be responsible for collection of such plastic packaging.

(2) Where any Producer, Importer or Brand owner fulfills his extended producer responsibility, he is deemed to have complied with his responsibility under sub-rule (1).

(2A) The Producers, Importers, Brand Owners, manufacturers, and manufacturers of commodities made from compostable plastics or biodegradable plastics, shall fulfil Extended Producer Responsibility as per guidelines specified in Schedule- II.

(3) manufacture and use of multi-layered plastic which is non-recyclable or non-energy recoverable or with no alternate use should be phased out in Two years time.

(4) The producer, within a period of three months from the date of final publication of these rules in the Official Gazette shall apply to the Pollution Control Board Central Pollution Control Board and State or the Pollution Control Committee, as the case may be, of the States or the Union Territories administration concerned, for grant of registration.

(5) No producer shall on and after the expiry of a period of Six Months from the date of final publication of these rules in the Official Gazette manufacture or use any plastic or multilayered packaging for packaging of commodities without registration from Central Pollution Control Board if operating in more than two states or Union territories



the concerned State Pollution Control Board or the Pollution Control Committees as per sub-rule (2) of rule 13.

(6) Every producer shall maintain a record of details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or plastic packaging.

56. In its capacity as a seller and brand owner, Swami Saranam Enterprises is subject to multiple statutory obligations. Firstly, under Rule 4(ha), no entity can market or sell compostable plastic commodities without obtaining prior certification from the CPCB. This obligation applies directly to sellers, requiring a Form B certificate, which the said entity admittedly does not possess. No such registration has been obtained. The regulatory framework also mandates registration with the State Pollution Control Board—in this case, the KSPCB—for entities engaged in the sale and distribution of such products. This requirement, too, remains unfulfilled.

57. In effect, Swami Saranam Enterprises has failed to comply with any of the statutory requirements applicable to it under the PWM Rules. It cannot, therefore, evade regulatory compliance by distancing itself from the definition of “manufacturer.” The scheme of the Rules does not permit an entity to avoid compliance by shifting categories; each role within the supply chain carries its own obligations, and each must be independently satisfied.



Environmental And Ecological Impact Of PLA And PBAT Bottles At Sabarimala:

58. Now we shall deal with the issue as to how PLA and PBAT Bottles are likely to endanger the eco system at Sabarimala. We have already held on the basis of the documents produced by the petitioner that the contention of the petitioner exposes an inherent folly in their claims. The foundational claim of the petitioner is that their bottles are "100% plant-based," "100% biodegradable," and that "even if consumed by animals, as it is plant-based, no harm whatsoever will be caused. Each of these claims is scientifically false, and their own evidence is sufficient to establish the same Exhibit P12 CIPET report confirms that while the bottle body is Poly(lactic acid) (PLA), the bottle cap contains PLA and PBAT (Polybutylene Adipate-co-Terephthalate). PBAT is synthesised entirely from petrochemical monomers — 1,4-butanediol, adipic acid, and terephthalic acid — all derived from petroleum. There is no plant-based carbon in PBAT. The bottle cap of every "Bio Theertha" bottle that a pilgrim carries to Sabarimala contains a petrochemical polymer — the same elemental category as conventional plastic. The "100% plant-based" claim is false on the face of the petitioner's own evidence. Furthermore, the claim of biodegradability in the open environment is scientifically insupportable. PLA degrades through hydrolytic chain scission — but this process requires sustained temperatures of 55 to 70 degrees Celsius, achievable only in industrial composting facilities. At the ambient temperatures of the Periyar forest floor — 25 to 35 degrees Celsius — the hydrolysis



rate of PLA is approximately 10,000 times slower than in an industrial composter. At the water temperature of the Pamba river — 18 to 28 degrees Celsius — PLA shows negligible mass loss over periods of one to two years. The CPCB in its counter has asserted that compostable plastics can be converted to compost only under industrial composting conditions and not in the open environment. In the open environment it will lead to littering as it will not convert into compost. Furthermore there are no industrial composting facilities in Kerala which fact is reiterated in the counter filed by the KSPCB. Even if every pilgrim dutifully deposited their bottle in a designated bin, there is no composting infrastructure anywhere in the state to process them. The bottles will inevitably enter the environment — the forest floor, the trekking paths, the Pamba river. The Forest Department's affidavit, sworn by the Chief Conservator of Forests (Wildlife) and Field Director, Kottayam, asserts that the bottles are a threat to the animals irrespective of degradable or non-degradable nature. The danger is not contingent on whether the bottle is plastic or PLA. The danger is physical, mechanical, and immediate — independent of any biodegradability claim.

59. Elephants are known to be habituated to foraging near human settlement and pilgrimage infrastructure. They are drawn to novel objects, food residues, and the sugar content in discarded juice bottles. An elephant cannot distinguish a PLA bottle from a PET bottle by sight or smell. An adult elephant's digestive system operates at 37°C body temperature — 18 to 33 degrees below the minimum temperature at which PLA hydrolysis begins at any meaningful rate. A PLA



bottle or its fragments, once ingested, will remain structurally intact in the elephant's gastrointestinal tract for an indefinitely long period — causing obstruction, enteritis, perforation from sharp broken edges, and impaction. Wildlife veterinarians across India have documented severe gastrointestinal injuries and deaths in elephants from plastic ingestion. The petitioner's assurance that plant-based material is harmless to animals demonstrates a fundamental misunderstanding of animal physiology. An elephant's stomach does not function as an industrial composter. Birds — hornbills, eagles, peafowl, waterbirds — face a specific and lethal risk from the bottle cap (confirmed to contain PBAT) and the shrink film label. Thin flexible films are among the most lethal materials for birds — they cause entanglement and wrap around internal organs when ingested. The bottle cap, being rigid and small enough to be investigated and swallowed by larger-billed species, is particularly dangerous. No bird species in the Periyar Tiger Reserve possesses an enzyme system capable of degrading PLA or PBAT. Wild boar and deer — the most commonly encountered large mammals on the trekking paths to Sannidhanam — are opportunistic foragers susceptible to intestinal obstruction from rigid objects. Deer, with their smaller gastrointestinal tract relative to body size, are particularly vulnerable to bottle fragment impaction. Every bridge on the pilgrimage route is a disposal point. The tradition of bathing in the Pamba and casting offerings creates an established behavioural pattern where objects enter the water. Bottles left on the riverbank will enter the river with every monsoon flood — and in a region receiving up to 5,000 millimetres of annual rainfall, every monsoon is a certainty. Once in the Pamba, a PLA



bottle does not biodegrade. It undergoes photo-oxidative and mechanical fragmentation — UV radiation from sunlight and the mechanical force of the flowing river break the bottle into progressively smaller pieces. These are not lactic acid monomers — they are PLA microplastic particles, ranging from millimetres to micrometres in size, that behave in the river ecosystem exactly as conventional microplastics: ingested by fish and invertebrates, accumulated in sediments, sorbing hydrophobic pollutants from the water column, and entering the food chain.

60. Aquatic organisms in the river ecosystem feed by browsing the riverbed and filtering or ingesting material from the water column, rendering them inherently vulnerable to the ingestion of PLA fragments. Once such fragments accumulate within the digestive system, the biological processes of these organisms are incapable of degrading materials such as PLA or PBAT. This results in impaired feeding capacity, physiological stress, and inflammatory responses, ultimately leading to mortality. The impact is not confined to primary ingestion. Secondary transfer occurs through the food chain, whereby organisms at higher trophic levels are exposed to such fragments through the consumption of contaminated prey. In addition, several aquatic species are unable to distinguish between plastic fragments and natural food sources, resulting in inadvertent ingestion. Filter-feeding organisms are particularly at risk, as they continuously process large volumes of water and are unable to differentiate between organic nutrients and microplastic particles. This leads to widespread



contamination across the water column, affecting multiple levels of the aquatic ecosystem and disrupting ecological balance.

61. It is to be noted that between 30 and 50 million pilgrims visit Sannidhanam during the Mandalam–Makaravilakku season. Even if a conservative estimate of 10% is adopted, this would result in 3 to 5 million bottles entering this fragile ecosystem within a single season. The collection mechanism proposed by the petitioner, projected as a safeguard, is neither operationally credible nor practically enforceable. The trekking routes to Sannidhanam—including the Pamba–Sannidhanam route of approximately 5 kilometres and the Erumeli–Sannidhanam route of approximately 61 kilometres—pass through dense forest areas forming part of a critical tiger habitat. It is inconceivable that any collection system could effectively monitor, retrieve, and manage waste across such terrain, particularly in the context of such massive footfall.

62. This Court, in multiple proceedings under the Sabarimala Special Commissioner Reports (SSCR), has already recorded that, despite sustained enforcement efforts, plastic waste continues to be found throughout the forest areas and within the Pamba river system. Even assuming an optimistic escape rate of 1%, this would result in approximately 30,000 to 50,000 bottles being left within the forest or entering the river system in a single season. Such a quantity is neither negligible nor manageable in a critically sensitive ecological zone. The consequences of such accumulation would be severe and irreversible.



63. There is an additional and more insidious dimension to the issue. The petitioner's own labelling—particularly the assertion "I AM NOT PLASTIC" and the representation that the product is capable of "natural composting"—is likely to create a false sense of environmental harmlessness among users. A pilgrim encountering such messaging may reasonably, though incorrectly, conclude that discarding the bottle in the forest would have no adverse consequences. This behavioural effect is not speculative; it is a direct and foreseeable outcome of the petitioner's representations. The scientific inaccuracy of such claims only aggravates the risk. In effect, the product may encourage more careless disposal than conventional materials, thereby exacerbating environmental harm rather than mitigating it.

Established Legal And Regulatory Framework Governing Sabarimala:

64. The regulatory context further reinforces the position. The prohibition on plastic materials at Sabarimala dates back to 2010, when the Kerala State Pollution Control Board, by Notification dated 22.11.2010, imposed restrictions in response to documented environmental degradation. This was not a temporary measure, but a considered regulatory intervention in a protected ecosystem.

65. This Court, in its judgment in W.P.(C) No. 38820 of 2016, recorded that the use of non-biodegradable materials, including tins and cans for packaged liquids, was causing environmental degradation in the region, and accordingly upheld and extended the ban. In SSCR No. 9 of 2015, this Court imposed a complete prohibition on plastic materials at Sabarimala, Pamba, and Sannidhanam, exercising its continuing



supervisory jurisdiction over the area. The petitioner, in substance, seeks a relaxation of this established prohibition. The threshold for such a request—particularly in relation to an ecologically fragile and legally protected region—is necessarily high. It requires demonstrable scientific certainty of environmental safety, full regulatory compliance, and a robust, enforceable disposal mechanism. None of these requirements have been satisfied. This Court has, as recently as 13.08.2024 in SSCR No. 17 of 2024, directed strict enforcement of the ban on plastic items, PET bottles, and glass bottles at Nilakkal, Pamba, Sannidhanam, and along the trekking routes. The continued issuance of such directions underscores that the prohibition is actively enforced and remains a matter of ongoing judicial concern. Further, in W.P.(C) No. 30685 of 2024 dated 10.10.2024, this Court considered the limited question of permissible exceptions and recognised only tetra-packaged products with valid Extended Producer Responsibility (EPR) registration—owing to their established collection and recycling infrastructure—as falling within a narrow exception. The petitioner’s product does not fall within this category. It lacks EPR registration, lacks any credible collection infrastructure, and does not possess the necessary regulatory certification for the form in which it is proposed to be marketed. The Kerala State Pollution Control Board, by its notification dated 07.11.2025 issued under Section 5 of the Environment (Protection) Act, 1986, has consolidated and reaffirmed the regulatory position. The notification clearly mandates that the ban on plastic items, PET bottles, glass bottles, and sealed containers—except tetra packages with EPR



registration—shall continue to operate at Nilakkal, Pamba, Sannidhanam, and along the trekking routes, and directs all concerned authorities to ensure strict compliance.

66. This Court has, over the past decade and a half, developed a consistent and carefully structured legal framework to safeguard this ecologically sensitive region. That framework is grounded in statutory protections under the Wildlife (Protection) Act, the Forest (Conservation) Act, and the Environment (Protection) Act, as well as in constitutional principles and established doctrines such as the Precautionary Principle. In the present case, the issue does not call for a balancing of competing interests. The ecological sensitivity of the region, the scale of potential harm, and the absence of compliance by the petitioner leave no room for dilution of the existing safeguards. The protection of the environment must prevail.

Conclusion

67. Accordingly, we find no merit in the reliefs sought by the petitioner, and the same are liable to be rejected.

This Writ Petition is dismissed.

Sd/-

**RAJA VIJAYARAGHAVAN V
JUDGE**

Sd/-

**K. V. JAYAKUMAR
JUDGE**



2026:KER:31403

WP(C) No. 42787 of 2025

51

APPENDIX OF WP(C) NO. 42787 OF 2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE LICENSE ISSUED BY THE DIN CERTCO WHICH IS THE WIDELY ACCEPTED CERTIFICATION AGENCY OF THE EUROPEAN UNION DATED 27.07.2020
Exhibit P2	THE TRUE COPY OF THE TEST REPORT ISSUED BY CIPET: INSTITUTE OF PLASTICS TECHNOLOGY (IPT) KOCHI BEARING NO. CIPTET: IPT-KOCHI/TESTING/2020-21/1532 DATED 25.01.2021
Exhibit P3	TRUE COPY OF THE REPORT ISSUED BY THE HEXIQON LABORATORY BEARING TEST REPORT NO. HL/MP/230210011 DATED 18.03.2023
Exhibit P4	THE TRUE COPY OF THE CERTIFICATE ISSUED TO THE 7TH RESPONDENT BY THE 6TH RESPONDENT CENTRAL POLLUTION CONTROL BOARD BEARING NO. CPCB-UPC-II/GREEN DOT BIOPAK/GUJARAT/443 DATED 09.08.2023
Exhibit P5	TRUE COPY OF THE CERTIFICATE ISSUED BY THE 7TH RESPONDENT TO THE 1ST PETITIONER DATED 31.10.2025
Exhibit P6	TRUE COPY OF THE DESIGN OF THE BOTTLE SHOWING THE QR CODE
Exhibit P7	THE TRUE COPY OF THE LETTER ISSUED TO THE 4TH RESPONDENT DATED NIL
Exhibit P8	TRUE COPY OF THE REPRESENTATION FILED BEFORE THE 2ND RESPONDENT BY THE PETITIONER DATED 07.11.2025
Exhibit P9	TRUE COPY OF THE TEST REPORT BEARING NO. HL/MP/251106007 ISSUED BY THE HEXIQON LABORATORY PVT. LTD DATED 17.11.2025
Exhibit P10	TRUE COPY OF THE FSSAI LICENSE ISSUED BY THE BLU INDUSTRIES DATED 27.07.2024
Exhibit P11	TRUE COPY OF THE TEST REPORT ISSUED BY THE SMS LABS SERVICES PRIVATE LIMITED DATED 22.10.2025
Exhibit P12	THE PHOTOSTAT COPY OF THE TEST REPORT BEARING NO.251453 DATED 17.12.2025 ISSUED



2026:KER:31403

WP(C) No. 42787 of 2025

52

BY THE CENTRAL INSTITUTE OF PETRO
CHEMICALS ENGINEERING AND
TECHNOLOGY (CIPET)

RESPONDENT EXHIBITS

Exhibit R8(a)

True copy of the Notification No.
KSPCB/1572/2025-SEE-1 dated 7-11-2025,
issued by the Kerala State Pollution
Control Board.