

MAHARASHTRA POLLUTION CONTROL BOARD

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BO/P&L Div/B- 414

Date : 18/1/2013

CORRIGENDUM

Sub:- Clarification in respect of review of imposition of lapse period consent fee and delayed payment charges in respect of grant of consent / Authorization under various Environmental Law.

Ref. :- Circular issued by the Board vide No. BO/P&L Div/B- 7159 dtd. 5.12.2012

In continuation of earlier Circular dtd. 5.12.2012 under, captioned subject and reference, the following clarification is issued in view of the doubts raised by some of the Regional Officers in respect of applicability of the said Circular to the imposition of lapse period consent fees, as to whether the period for which the application for consent has not been made, whether should be treated as lapse period consent fees and therefore, no lapse period consent fees shall be collected or otherwise?

The issue has been therefore, re-examined and it is made clear that as per the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Bio Medical Waste Rules, 1998, the prescribed fees is required to be paid by the Applicant for the period for which the plant is operated and therefore, the lapse period consent fees is required to be collected for un-consented period, before granting consent for future period.

The Circular does not exempt the recovery of consent fee for lapse period for which the Application is not made within stipulated time, but exempt only the delayed charges for granting consent for lapse period upto 20% extra. Henceforth, the lapse period consent fees shall be collected and there shall not have any ambiguity about the same.

In lieu of second para of the earlier Circular dtd. 5.12.2012, the following may be read :

“Henceforth, no delay charges on lapse period consent fees will be collected as provided in Circular dtd, 17.7.2008. However, lapse period consent fees will continue to be collected as before.”


(Rajeev Kumar Mital)
Member Secretary

MAHARASHTRA POLLUTION CONTROL BOARD

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BO/P&L Div/B- 7159

Date : 05/12/2012

CIRCULAR

Sub:- Review of imposition of lapse period consent fee and delayed payment charges in respect of grant of consent / Authorization under various Environmental Law.

- Ref. :- 1) Circular issued by the Board vide No. MPCB/AB/1296 of 17/7/2008
2) Minutes of the 157th Meeting of the Board held on 26.4.2012
3) Letter No. K-MPC-4212/(P.K. 109)/T.K.-2 dtd. 12.10.2012 received from Environment Department, G.o.M.

The Board in its 147th meeting held on 22.4.2008 had decided to impose lapse period consent fees / delayed payment charges w.e.f. 1/7/2008 from the industries, operations or processes being established and operated without obtaining necessary valid consent and authorization or obtaining it after lapse of certain period, thereby creating a situation of discrimination against those who obtain consent in time, with the approval of the State Government. Accordingly, the Circular No.MPCB/AB/1296 dtd 17/7/2008 was issued to all concerned to implement such resolution from the date of the Circular. Thereafter, as decided in 147th & 157th meetings of the Board, the proposals were sent to the Secretary, Environment Department, vide letters dtd. 10.1.2011 & 10.5.2012 respectively. The said proposal has not been approved by the Environment Department.

The Maharashtra Pollution Control Board has decided to withdraw the Circular at reference one above, effecting the decision of the Board taken in its 147th Meeting held on 22.4.2008, regarding lapse period consent fees and delayed payment charges. Henceforth, no delayed / lapse consent period fees be collected.

All the officers of the Board are directed to implement these directions forthwith.


(Rajiv Kumar Mital)
Member Secretary

Copy submitted to: Hon'ble Chairman, MPCB, Mumbai – for information.

Copy to:

- 1) Sr.Law Offcier(P&L Divn.)/Joint Director (Water Pollution Control)/Joint Director (Air Pollution Control)/Principal Scientific Officer/Chief Accounts Officer/ Asstt. Secretary (Technical)/Joint Director(PAMS)/Regional Officer(HQ),MPCB, Mumbai – for information and necessary action. They are directed to circulate the said circular to the officers under their control.
- 2) The Regional Officer- Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/Pune/ Aurangabad/ Nagpur/Nashik/Kolhapur/ Amravati/ Chandrapur, MPCB – for information and necessary action. They are directed to circulate the said circular to the officers including Sub-Regional Officers under their control.
- 3) Statistical Officer/Law Officer(P&L Divn.), MPCB, Mumbai – for information and necessary action.
- 4) Incharge Central Lab., Nirmal Bhavan, Mahape, Navi Mumbai – for information and necessary action –They are directed to circulate the said circular to the officers under their control.
- 5) Incharge Regional Lab., Pune/Nagpur/Aurangabad/Thane/Chiplun/Nashik/ - for information and necessary action. They are directed to circulate the said circular to the officers under their control.
- 6) All Asstt.Law Officers, Policy & Law Divn, MPCB, Mumbai- for information & necessary action..
- 7) Asstt.System Officer, EIC Section, MPCB, Mumbai – for information and necessary action – He is instructed to place the said circular on the website of the Board in the link of various Standing Orders/Circulars issued by the Board by linking up the said Circular with earlier Circular No.MPCB/AB/1296 dtd. 17/7/2008.