


MAHARASHTRA POLLUTION CONTROL BOARD

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No. BO/MPCB/AS(T)/Circular/B- 240227 FTS0039

Date: 27/02/2024

CIRCULAR

Sub: Amnesty Scheme for Penal Fees for violating Combined Consent Regime prescribed under the Air /Water Act – reg.

- Ref:** 1) Circular of Penal Fees for violating Combined Consent Regime prescribed under the Air /Water Act issued vide No. BO/MPCB/AS(T)/Circular/B-220712FTS0047, dated 12/07/2022.
2) Minutes of 182nd Board Meeting held on 12/02/2024.

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Maharashtra Pollution Control Board has issued Circular dated 12/07/2022 vide reference 1 above, for penal fees for occupiers violating Combined Consent Regime prescribed under the Water and Air Acts.

In this regard, MPCB has received several representations from various Industrial & other Associations from time to time regarding retrospective application of penalty & waving of Penal Fees, as the Penal charges are very high & thereby making it difficult for the industries to pay the penal fees as per the circular issued by MPCB.

Therefore, in order to encourage the industries & regularize their activities and for effective monitoring, it was proposed to provide Amnesty Scheme for Penal Fees to be imposed on industries violating combine consent regime prescribed under Air/Water Act i.e., delay in applying for grant of consent, operating without consent from the Board.

Maharashtra Pollution Control Board in its 182nd Board meeting held on 12/02/2024 has decided to introduce Amnesty Scheme for Penal Fees for violating Combined Consent Regime prescribed under the Air /Water Act.

Accordingly, the Amnesty Scheme for Penal Fees shall be as below:

Sr. No.	Violation	Existing penal charges (Cost of Violation)	Amnesty Scheme
01	Taking effective steps towards establishment of project/unit prior to obtain Consent to Establish from the Board	Red Category: 5 times of one term consent fee X no. of years of violation*	Red Category: 2 times of one term consent fee X no. of days of violation**
02	Taking effective steps without revalidating Consent to Establish of the Board.	Orange Category: 3 times of one term consent fee X no. of years of violation*	Orange Category: 1 time of one term consent fee X no. of days of violation**
03	Industry: Starting Commercial production prior to obtain Consent to Operate of the Board.	Green Category: 1 time of one term consent fee X no. of years of violation*	Green Category: No penal charges
	Infrastructure Project: Handing over possession prior to obtaining Consent to Operate of the Board and Occupancy certificate from Local Body.		
04	Operating the industry/activity without valid consent to operate of the Board and applying after lapse of validity period.		

**Calculations of nos. of years shall be calculated on the basis of nos. of days of non-compliances

** For C to E one term is for 5 years, therefore, calculation of nos. of days of violation = nos. of days of violation divided by (365 * 5).

[Example:

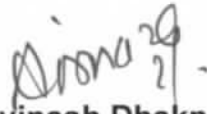
- 1) Consent to Establish/Revalidation Red Category: 2 times of one term consent fee X no. of days of violation.
For instance, 1 term (1year) consent fees is Rs. 1,00,000/- & days of violation 500 days.
The calculation will be $1,00,000 \times 2 \times 500/1825$ (1 term 5 years) = Rs. 54,795/-
- 2) Consent to Establish/Revalidation Orange Category: 1 time of one term consent fee X no. of days of violation
For instance, 1 term (1year) consent fees is Rs. 1,00,000/- & days of violation 500 days.
The calculation will be $1,00,000 \times 1 \times 500/1825$ (1 term 5 years) = Rs. 27,397/-
- 3) Consent to Operate/Renewal- Red Category: 2 times of one term consent fee X no. of days of violation
For instance, 1 term (1year) consent fees is Rs. 1,00,000/- & days of violation 500 days.
The calculation will be $1,00,000 \times 2 \times 500/365$ (1 term 1 year) = Rs. 2,73,973/-
- 4) Consent to Operate/Renewal- Orange category 1 term (2 years) consent fees is Rs. 1,00,000/- & days of violation 500 days.
The calculation will be $1,00,000 \times 1 \times 500/730$ (1 term 2 year) = Rs. 68,493/-

This amnesty scheme is not for those units/industries who had already paid the penalty. This amnesty scheme will be applicable to those industries who will submit online applications for combined consent within 3 months period 1st March 2024 to 31st May, 2024. All the applications received in this period will only be considered. Industry applying under amnesty scheme will have to pay the penal fees at a time. Applications already pending with the Board that have not paid the Penal Fees will also be considered, provided they pay the penal fees as per Amnesty Scheme within 3 months period from 1st March 2024 to 31st May, 2024.

This Amnesty scheme will be only for a period of 3 months from 1st March 2024 to 31st May, 2024. The duration of the scheme will not be extended. The earlier Penal Fees circular dated 12/07/2022 will come into force automatically after the end of amnesty period.

The Amnesty Scheme fees amount to be paid by PP through online e-payment gateway.

All the Officers of the Board should implement this circular scrupulously without fail.


(Dr Avinash Dhakne, IAS)
Member Secretary

Copy submitted to: The Hon'ble Chairman, MPC Board Mumbai- for favor of information.

Copy to:

1. All HODs, MPC Board Mumbai. - **For information & necessary action**
2. PRO, MPCB Mumbai. **He is directed to give publicity of the Amnesty Scheme by way of news, awareness in leading newspapers.**

Copy to:

1. All Regional Officer, MPC Board. **They are directed to ensure that the above Amnesty Scheme shall be brought to the notice of all Industrial Associations in their jurisdiction & give wide publicity.**
2. All Sub-Regional Officer, MPC Board. **They are directed to ensure that the above Amnesty Scheme shall be brought to the notice of all Industrial Associations in their jurisdiction & give wide publicity.**
3. SO/EIC- **He is directed to host the circular on Board's website.**