MAHARASHTRA POLLUTION CONTROL BOARD

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No.MPCB/MS/ 24

Date : 25/07/2018

CIRCULAR

Sub : Compliance of various orders/ Judgments passed by the Hon'ble National Green Tribunal.

Ref: Order dated 19/7/2018 passed by the National Green Tribunal, Principal Bench, New Delhi in Original Application No.104/2018 filed by Shivpal Bhagat & Ors Vs Union of India & Ors.

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There are various matters filed/pending before the Hon'ble National Green Tribunal on various environmental issues. The Board has already issued various circulars from time to time regarding compliance of Orders/Judgments passed by the Hon'ble NGT within the stipulated time. In the circular dated 9/8/2016, it was mentioned that in case, the causal approach is adopted in compliance of the Judgment/Orders passed by the Hon'ble NGT in a time bound manner, the concerned Area Co-Coordinator and concerned Regional Officer/Sub-Regional Officer will be jointly and severely held responsible for further necessary action.

It has been observed that the concerned officers of the Board have casual approach while dealing with various legal matters filed and pending before the Hon'ble NGT, thereby, the Hon'ble Tribunal are expressing displeasure about the functioning of MPCB and as a result, the Hon'ble NGT has called the Hon'ble Chairman and Member Secretary of the Board to remain present before the Hon'ble NGT.

In one of the original Application bearing No. 104/2018 filed by Shivpal Bhagat & Ors Vs Union of India & Ors ., the Hon'ble NGT, Principal Bench, New Delhi has passed an order dated 19/7/2018 which is reproduced as under:

" We are of the view that every Applicant who approaches this Tribunal must indicate in the Application/ Appeal the specific provision of a statue violated, substantiate questions of environment arising in the matter and the persons accountable for the same particularly, the public authorities.

Before approaching this Tribunal, such person must normally approach the concerned authorities and give them at least 15 days time to respond. Such authorities must give their response either to the individual concerned or put the same on the respective website at the earliest. If a person approaches this Tribunal, the response received should also be mentioned in the Application filed before the Tribunal.

This procedure may provide quicker remedy to the individuals and also enable the Authorities to indicate their stand.

This procedure may be normally followed unless an exception is made out at least from 01st August, 2018."

In order to strict compliance of the Judgment / Order passed or being passed by the Hon'ble National Green Tribunal, all the concerned officers of the Board are therefore directed to comply with the same within a time bound manner. In case, causal approach is adopted in compliance of the orders/ Judgments passed by the Hon'ble NGT in a time bound manner, the concerned Area Co-Ordinator and concerned Regional Officer / Sub Regional Officer will be jointly and severally held responsible for further necessary action.

In case of any adverse order passed or being passed by the Hon'ble NGT, the accountability will be fixed on the Area –Coordinator and concerned Regional Officer / Sub-Regional Officer, which please note seriously.

(Dr. P. Anbalagan, IAS)
Member Secretary

Copy to: Principal Scientific Officer / Joint Director (Air Pollution Control)/ Joint Director (Water Pollution Control)/ Asstt.Secretary(Tech.)/ Regional Officer(HQ), Maharashtra Pollution Control Board, Mumbai – for information and necessary action.

Regional Officer, Maharashtra Pollution Control Board,Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/Pune/ Aurangabad/ Nagpur/Nashik/Kolhapur/ Amravati/ Chandrapur.

Sub-Regional Officer,Maharashtra Polluiton Contro Board, Mumbai-I/Mumbai-II/Mumbai-III/Thane-I/Thane-II/Tarapur-1/Tarapur-II/ Navi Mumbai-I/ Navi Mumbai-II/Taloja/Kalyan-I/Kalyan-II/Kalyan-III/Raigad-I/ Raigad-II/ Raigad-III/Mahad/Kolhapur/Sangli/Ratnagiri/Chiplune/Pune-I/Pune-II/Pimpri-Chinchwad/ Satara/ Solapur/Aurangabad-I/Aurangabad-II/ Aurangabad-III/Nanded/Nashik/ Ahmednagar/ Jalgaon-I/Jalgaon-II/Nagpur-I/Nagpur-II/Nagpur-III/Chandrapur/Amravati-I/ Amravati-II/ Akola/ Parbhani/ Latur/Bhandara, MPCB