

## MAHARASHTRA POLLUTION CONTROL BOARD

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Sion Matunga Scheme Rd.No.8  
Opp. Cine Planet cinema,  
Near Sion Circle, Sion (E),  
Mumbai - 400 022.

Date 30/07/2013

### CIRCULAR

**Sub : Policy on the responsibility of the Field Officers/  
Industries in respect of operation of industries,  
operations or processes without obtaining prior  
consent of the MPCB.**

Ref : Discussions held in the Consent Committee Meeting.

During the appraisal of various applications for grant/refusal of consent, it has been observed that there are no. of industries, operations or processes, which are operating without obtaining prior consent of the Board. Such type of industries can be categorized in two categories, namely, (i) where the industries are established and/or being operated without obtaining any consent since beginning and (ii) industries, earlier obtained consent to establish and/or consent to operate but later on not applied for either first consent to operate or an expansion in the existing activity or renewal of consent and thereby, violating the mandatory provisions of the Water (P&CP) Act, 1974 and Air (P&CP) Act, 1981 and the HW(M, H. & T.M.) Rules, 2008.

It, therefore, becomes necessary on the part of all the Regional Officers and Sub-Regional Officers to ensure that appropriate legal actions are initiated against the industries, operations or processes, which are established and/or being operated without obtaining prior consent of the Board. The concerned Regional Officer/Sub-Regional Officer should initiate special drive to identify such type of un-consented units by instructing all the Field Officers that they should carry out an extensive survey to identify such type of units and report such type of un-consented units for further necessary legal action through their Sub-Regional officer to the concerned Regional Officer.

The concerned Regional Officer should initiate immediate appropriate action first of all issuing proposed directions, pointing out various non-compliances such as : establishing and/or operating the unit without consent of the Board, non-provision of pollution control arrangement or inadequate pollution control arrangement with directions to apply for consent within 15 days time, failing which, to initiate further legal action including issuance of final directions including closure, prohibition or regulation of industry, operation or process and disconnection of electricity/water supply etc. as well as filing of prosecution against the incharge & responsible person/s.

The concerned Filed Officer, who is designated for visit, inspection & survey of that particular area, will have to carry out an extensive survey and in case, any industry, operation or process is found to be established and being operated in the said area, which if observed not deliberately being reported, then, such report on the non-compliance by the concerned Field Officer shall be sent to the Authority empowered to grant consent as per the delegation of powers within 30 days against each case. The Consent Sanctioning Authority will suggest further action and accordingly, further action will be taken by the MPCB against such Field Officer.

  
(V. M. Motghare)  
Member Secretary

26/7/13

Copy submitted to: Hon'ble Chairman, MPCB, Mumbai - for favour of information.

Copy to:

- 1) Joint Director-APC/WPC/Asstt.Secretary(Tech.)/Principal Scientific Officer/Regional Officer(HQ)/Technical Advisor, MPCB, Mumbai – for information and necessary action. They are requested to circulate the said circular to the officers under their control. TA are instructed to bring the said circular to the notice of CC/CAC Members.
- 2) Law Officer//c L.O.(P&L Div.)/Statistical Officer, MPCB, Mumbai – for information and necessary action.
- 3) R.O.-Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/Pune/Aurangabad/ Nagpur/Nashik/Kolhapur/ Amravati/ Chandrapur, MPCB – for information and necessary action. They are requested to circulate the said circular to the officers under their control.
- 4) S.R.O.-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 - for information and necessary action. They are requested to circulate the said circular to the officers under their control.
- 5) All Asstt.Law Officers(P& L Divn.), MPCB, Mumbai- for information and necessary action.
- 6) Asstt.System Officer, MPCB, Mumbai- for information and necessary action – He is instructed to place the above circular on the website of the Board.