

MAHARASHTRA POLLUTION CONTROL BOARD

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Mumbai-400 022.

No.MPCB/MS/ 40

Date: 25/8/2015

CIRCULAR

To

- 1) Joint Director(APC)/Principal Scientific Officer/Joint Director(WPC)/
Asstt. Secretary(Tech.)/ Regional Officer(HQ), MPCB, Mumbai
- 2) Regional Officer-Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/Pune/
Aurangabad/ Nagpur/Nashik/Kolhapur/ Amravati/ Chandrapur, MPCB.
- 3) Sub-Regional Officer-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/ Chiplun/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.

Sub : Handling of legal matters / filing of Affidavits
before the Hon'ble Supreme Court of India/
High Courts / National Green Tribunals.

It has been observed that the concerned Officers of the Board have casual approach while dealing with various Legal matters filed / pending before the Hon'ble Supreme Court of India/High Courts / National Green Tribunals, more particularly, Hon'ble National Green Tribunal. Thereby, the above Top-Forums are expressing dissatisfaction about the functioning of the MPCB.

It has been noticed that the filing of an Affidavit before the Hon'ble Supreme Court, Hon'ble High Courts, Hon'ble NGT in the the PIL / Writ Petitions/Appeals/Applications are often delayed due to transfer of responsibility from the concerned area co-ordinator to subject expert. As a result, it is not prepared properly and filing of an Affidavit before the above Court/s is delayed which in turn lower the dignity of the Board in the Courts.

Therefore, it has been decided that in Policy matters & serious matters, the Area Co-ordinator & Head of the Department shall prepare the draft Affidavits in consultation with the Policy & Law Division, as per their jurisdiction and the Area Co-Ordinator shall co-ordinate with the concerned HoD & finalize the affidavit after taking approval from the Member Secretary. Thereafter, the concerned HoD shall file the affidavit before the above Forums, as per their jurisdiction within stipulated time and they will be held responsible for the compliance of the various orders passed or being passed by the above Forums.

In case of non-policy matters, the concerned Regional Officers/Sub-Regional Officers shall prepare the draft Affidavit through Local/Panel Advocates at their level in consultation with the Area Co-Ordinator at HQ, within stipulated time. The concerned Regional Officers/Sub-Regional Officers shall file the affidavit before the above Forums, as per their jurisdiction within stipulated time and they will be held responsible for the compliance of the various orders passed or being passed by the above Forums.

All the concerned officers of the Board are therefore, directed to scrupulously follow the instructions issued in this behalf and comply with the orders passed or being passed by the above Forums. In case, casual approach is adopted in compliance of the Legal matters, the concerned officer will be personally held responsible for further necessary action and non-compliance of directions issued by the above Forums, which may be noted seriously.


(Dr.P. Anbalagan)
Member Secretary

Copy submitted to: Hon'ble Chairman, MPCB and Hon'ble Addl.Chief Secretary, Environment Deptt., Govt. of Maharashtra, Room No.217, 2nd Floor, Annex Mantralaya, Madam Cama Road, Mumbai-400 032 – for favour of information.

Copy to:

- 1) Law Officer//c Law Officer (P&L Div.)/S.O., MPCB, Mumbai – for information.
- 2) Incharge-Central Lab., Navi Mumbai – for information and necessary action.
- 3) Incharge, Regional Lab., Pune/Nagpur/Aurangabad/Thane/Chiplun/Nashik – for information and necessary action. They should do analysis of NGT matters on top priority basis within stipulated time.