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MAHARASHTRA POLLUTION CONTROL BOARD

OFFICE ORDER NO. C-36 OF 2000

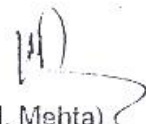
- Sub: (A) To authorise the Regional Officers/Sub-Regional Officers/Field Officers of the Board to file applications/complaints in the Court of Law under Water (Prevention & Control of Pollution) Act, 1974 & Air (Prevention & Control of Pollution) Act, 1981.
- (B) To authorise Senior Officers in the Head Quarter to swear affidavits on behalf of the Board in the High Court and Supreme Court matters.

Ref: Minutes of the 122nd Meeting held on 19.12.1998

The Board in its 122nd meeting held on 19.12.1998 vide Table Item No.4 has decided to delegate the powers to the Regional Officers/Sub-Regional Officers of the Board to file complaints/applications for non-compliance of the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 against those violating the provisions of these Acts.

The Board has further decided to delegate the powers to Regional Officer to file affidavit in the High Court & Supreme Court wherever policy matters are not involved and factual position is required to be reported to the High Court and Supreme Court. In respect of other cases, where policy matters are involved, the Water Pollution Abatement Engineer, Air Pollution Abatement Engineer, Principal Scientific Officer and Regional Officer (HQ) shall file the affidavit. In respect of matter relating to personnel and administration, the Administrative Officer shall file the affidavit on behalf of the Board.

A copy of the Table Item No.4 alongwith an abstract of decision taken by the Board in its 122nd meeting held on 19.12.1998 are enclosed for ready reference.


(K.H. Mehta)
Member Secretary

Encl: As above

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MAHARASHTRA POLLUTION CONTROL BOARD

Shri Chhatrapati Shivaji Maharaj
Municipal Market Bldg., 4th floor,
Mata Ramabai Ambedkar Marg,
Mumbai-400 001.

No.WP/Legal(HQ)/B-1910

Date: 27-03-2000

Copy submitted to : Secretary, Environment Deptt., Govt. of Maharashtra, Mantralaya,
Mumbai-32 – for favour of information.

Copy to : Chairman, M.P.C.B. Mumbai – for favour of information.

Copy to: Regional Officer – HQ/Mumbai/Navi Mumbai/Thane/Raigad/Kalyan/Pune/
Nashik/Nagpur/Kolhapur/Aurangabad/Nagpur/Amaravati/

Copy to: Water Pollution Abatement Engineer/Air Pollution Abatement Engineer/
Principal Scientific Officer/Law Officer (HQ)/Law Officer(LW)/
Administrative Officer, MPCB Mumbai – for information.

Copy to: Sub-Regional Officer – HQ/Mumbai I, II, III/Thane/Tarapur/Navi Mumbai/
Taloja/Kalyan I & II/Raigad/Mahad/Pune/Pimpri-Chinchwad/Satara/
Ratnagiri/Sangli/Nashik/Jalgaon/Ahmednagar/Aurangabad/Nanded/
Nagpur I & II/Chandrapur/Amaravati/Akola/


(K.H. Mehta)
Member Secretary

ABSTRACT OF MINUTES OF 122nd MEETING HELD ON 19.12.1998

- Table Item No.4: (A) To authorise the Regional Officers/Sub-Regional Officers/ Field Officers of the Board to file applications, complaints in the Court of Law under Water (Prevention & Control of Pollution) Act, 1974 (with Act No.53 of 1988) and Air (Prevention & Control of Pollution) Act, 1981 (with Act No.47 of 1987)
- (B) To authorise Senior Officers in the Head Quarter to swear affidavits on behalf of the Board in High Court and Supreme Court matters.
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Member Secretary informed the Board that during one of the meeting convened by Secretary, Environment Deptt., Govt. of Maharashtra with the Regional Officers and Senior Officers of the Board on 9.9.1998, various issues relating to implementation of pollution control laws were discussed. One of the issues was to designate/authorise Field Officers to file Criminal Complaints/Applications in respective courts on behalf of the Board. Similarly another proposal was to authorise Senior Technical Officers and Administrative Officer of the Board to file affidavits in High Court and Supreme Court. The matter was discussed. The Board felt that the complaint shall be filed by the Regional Officer and Sub-Regional Officer, as the Field Officer will be too junior to represent the Board in the Court of Law. The Board also felt that the Regional Officer shall file affidavit in the High Court and Supreme Court wherever policy matters are not involved and factual position is required to be reported to the High Court and Supreme Court. In respect of other cases where policy matters are involved, the Water Pollution Abatement Engineer, Air Pollution Abatement Engineer, Principal Scientific Officer and Regional Officer (HQ) shall file the affidavit. In respect of matters relating to personal and administration, the Administrative Officer shall file the affidavit on behalf of the Board. The Board after due deliberation passed the following resolution.

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RESOLUTION NO.

"RESOLVED that the Board authorises Regional Officers and Sub-Regional Officers of the Board to file Complaints/Application for non-compliance of the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981. The Regional Officers are further authorised to file affidavit in the High Court of Judicature at Mumbai (Bench Aurangabad and Nagpur). The Water Pollution Abatement Engineer, Air Pollution Abatement Engineer, Principal Scientific Officer and Regional Officer (HQ) are also authorised to file affidavit in cases where policy matters are involved. The Administrative Officer is authorised to file affidavit in matters relating to personnel and administration."