

MAHARASHTRA POLLUTION CONTROL BOARD

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No.BO/P&L Divn./B- 4275

Date: 27/10/2013

CIRCULAR

Sub : Attendance of courts for evidence by present/retired officers of the MPCB.

Ref : Regular Criminal Case No.164/2006 – filed by MPCB against Bhiwandi Nizampur Municipal Corpn. & Ors. before Hon'ble CJM-Thane.

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The Regional Officers and Sub-Regional Officers of the Maharashtra Pollution Control Board have filed various court cases before the Hon'ble JMFC, CJM Courts in various Districts of Maharashtra against the defaulting industries/local bodies. In this regard, the Present Officers/Retired officers of the Maharashtra Pollution Control Board are required to attend various Courts for recording their evidence before and after framing of the charges.

However, it has been observed that in Regular Criminal Case No.164/2006 filed by the Board against Bhiwandi Nizampur Municipal Corporation & Ors. before the Hon'ble CJM-Thane, has been dismissed vide order dtd.4/5/2013 on the grounds for non-attendance of the complainant and Panel Advocate appearing on behalf of the Board in the said matter. The Hon'ble CJM-Thane was of the view that neither the complainant nor the Board's Panel Advocate it a point to adduce evidence till date not taken any trouble for prosecuting the action further which itself indicated the complainant disinterest and unwillingness to prosecute the case and the complaint was dismissed.

Therefore all the present officers / retired officers of the Board, who have filed complaint/s before various Courts of Law, should remain present before the Hon'ble Court on the date of hearing itself in consultation with the Panel Advocate, failing which, the concerned officer/s will be held responsible for defaults. The concerned Regional Officers/Sub-Regional Officers may in appropriate cases of absence of the witnesses, take appropriate steps to issue summons to such witnesses to ensure that the cases are not dismissed for defaults.

(Rajeev Kumar Mittal)
Member Secretary

Copy to:

1. Panel Advocate, MPCB – for information – In case of failure to attend the matters allotted to you on behalf of the Board, the Board reserves its right to engage the services of any other Advocate by communicating to you to that effect. Similarly, they shall inform the dates of hearing to the respective complainant well in advance and take necessary steps and call them for necessary discussion whenever necessary.
2. All the Ex-Officers, MPCB, Mumbai – for information and necessary action.

Copy to : Joint Director(WPC)/Joint Director(APC)/ Principal Scientific Officer/Asstt.Secretary (Tech.)/ Regional Officer(HQ), MPCB, Mumbai – for information and necessary action – for information and necessary action.

Copy to:

- 1) Regional Officer, MPCB, Mumbai/Navi Mumbai/ Thane/ Kalyan/Raigad/Pune/ Aurangabad/ Nagpur/Nashik/Kolhapur/ Amravati/ Chandrapur, MPCB – for information and necessary action. They are instructed to circulate the said circular to the officers under their control.
- 2) Law Officer//c Law Officer, MPCB, Mumbai – for information and necessary action.
- 3) Incharge Officer, Central Lab., Mahape, Navi Mumbai/Sr.Scientific Officer (HQ-1&2/Nagpur for information and necessary action - They are instructed to circulate the said circular to the officers under their control.
- 4) Scientific Officers, Regional Laboratory-Nagpur/Nashik/Pune/Aurangabad/ /Lote Parshuram/Thane, MPCB – for information and necessary action - They are instructed to circulate the said circular to the officers under your control.
- 5) Sub-Regional Officer –HQ/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 instructed to circulate the said circular to the officers under their control.
- 6) All Asstt.Law Officers (P&L Divn.),MPCB, Mumbai - for information and necessary action.
- 7) Asstt.System Officer, MPCB, Mumbai – for information and necessary action. He is instructed to place the said circular on the website of the Board.