

**BEFORE THE APPELLATE AUTHORITY CONSTITUTED BY THE
BOARD UNDER THE PROVISIONS OF THE RIGHT TO INFORMATION
ACT, 2005.**

Shri. Attar Azeemi,
Shamshad Nagar, D/2 Bldg.,
Flat No.5, Mumbai – Pune Road,
Mumbra- 400 612.

... Appellant

V/s

Public Information Officer (HQ),
Maharashtra Pollution Control Board,
Kalpataru Point Bldg., 3rd Floor,
Sion(East), Mumbai-400 022

... Respondents

ORDER

The Appellant has preferred an appeal against the Information Officer on the ground that his application under Right to Information Act, 2005 was not replied within the stipulated period and therefore it has been deemed to be refused. He had stated that he had asked particulars in respect of discharge of chemical effluents by the industries. After going through the appeal, it is not clear as to in respect of what the information was not given? Whether the information pertains to whole State of Maharashtra or a particular Region? etc. Therefore, the Appellate Authority has to peruse an application for obtaining information made by the applicant to the PIO at Sion. After going through the application dtd. 25.7.2007, which is received on 31/7/2007 at Sion. The information asked for by the original applicant is in respect of the standards set by the M.P.C.B. for declaring environment not polluted, whether industries are treating their effluent with the international norms, quantum of

chemical effluent discharged by the industries in the Maharashtra every day in rivers / nallas in the vicinity, impact of untreated effluent on the environment & steps taken by the M.P.C.B. to prevent industries from discharging effluent directly into river / sea, names of such defaulters and status of cases registered including actions in last five years against defaulting industries and number of industries convicted with reason of failure of M.P.C.B. to take action. After going through above information required by the applicant, the Appellate Authority has come to the conclusion that the information is voluminous in nature and besides that some of the information appears to be not clear as to what exactly the appellant wanted from the PIO. Because, the information is general and no such information is available with the Maharashtra Pollution Control Board i.e. Quantum of chemical effluent discharge by the industries in the Maharashtra every day in rivers / nallas in the vicinity as well as direct discharge into river / sea etc.

The Appellate Authority decided to extend an hearing opportunity to all the concern on 11/9/2007 at 2.30 p.m.. However, the appellant inspite of written communication and telephonic instructions decided not to remain present and accordingly was absent during the course of hearing. PIO at Sion, PIO at Thane attended hearing and made submissions before the Appellate Authority as under.

- 1) PIO, Sion made available a copy of direct information given to Shri. Attar Azeemi. i.e. the appellant vide letter No. MPC/SB/B-4724 dtd. 6/9/2007. After going through the said communication, it has been observed that the information was given to the original

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applicant regarding the environmental standards being followed by the Maharashtra Pollution Control Board. It was abundantly made clear that the standards are made available on the web site of the Board and these standards are not international. He has further clarified that industrial effluent after treatment generally goes in saline water and in other areas, industries are normally asked to utilize treated effluent for gardening purpose. He further informed that the untreated industrial effluent can cause fish kill, destroy aquatic life and also increase the cost of treatment of polluted water. The industries are required to provide necessary treatment and disposal arrangement to their effluent as per the provisions of the law and therefore, question of discharge of untreated effluent does not arise. He has given details in respect of consent conditions such as, treatment and disposal into receiving bodies like, rivers / sea etc., for a particular chemical industry and made available a sample copy of particular industry. He had given details about appropriate legal actions initiated against defaulting industries including a number of cases decided in favour of the Board and against the Board. A statement showing a number of cases filed during last five years from Mumbai & Thane Region, as desired by the applicant as per telephonic discussions with the acting PIO was also made available. Besides that it was also made clear that stringent actions against big industries are initiated as and when required.

- 2) Shri. S.S. Kotwal, the Sub-Regional Officer, Thane – II and PIO, Thane also communicated to the Appellant directly the required information pertaining to Thane Sub-Regional Office – I & II, after telephonic discussions with him. The pointwise information made available in respect of the declaration of standards by the MPCB, quantum of chemical effluent discharged by the consented industries from Thane Sub-Region Office I & II, discharge of treated effluent, its impact on river / sea, action against defaulting industries etc. A copy of such reply also made available before the Appellate Authority.

After hearing PIO at HQ and Thane, the Appellate Authority has observed that almost all the possible information has been made available to the appellant. Both the PIO tried their level best to contact the appellant and to get clarified the exact information required by the Appellant. The information appears to be not only voluminous but also vague and no such information is possible to be supplied in respect of discharge into nalla, river, sea, its impact etc. Infact, under the provisions of the Environment (Protection) Act, 1986, under EIA Notification, there is provision to do Environment Impact Assessment Study in respect of the industries requiring Environment Clearance from Govt. of India and such type of studies are to be carried out by the concerned industries and not by the Maharashtra Pollution Control Board. Such type of EIA reports provide the information in respect of environment Impact

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due to that particular industry only and there is no such compact environment impact study in respect of the activities mentioned by the appellant. If required, the appellant may himself do such type of Environment Impact Study through appropriate competent agency. Taking into consideration above facts and circumstances and very vague nature of the information required by the appellant as well as bonafide efforts made by both the PIO's, by providing whatever information available with them to the appellant, the Appellate Authority has come to the conclusion that the appeal is not only vague but also no clear grounds are made out by the appellant in the appeal and therefore, appeal is liable to be dismissed / rejected on the face of record.

The appeal is hereby rejected.

Dated this 11th day of September, 2007 at Mumbai.

Sd/-
(D. T. Devale)
Appellate Authority
MPCB