

# 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.

No. Bo/P&L Divn/B: 5065

Date: 01.08.09

To

The Regional Officer,  
Maharashtra Pollution Control Board,  
Mumbai/Navi Mumbai/Thane/Raigad/Kalyan/Pune/Nashik/  
Aurangabad/Nagpur/Amravati/Kolhapur/Chandrapur.

090901 F1061

## Circular

Sub: Procedure/Guidelines for exercising powers delegated under section 33A of the Water (Prevention & Control of Pollution) Act 1974 & under section 31A of the Air (Prevention & Control of Pollution) Act 1981.

- Ref: 1. This office order No. E/28 of 2000 dated 15/3/2000  
2. This office circular dated 16/6/2000.

The Board in its 126<sup>th</sup> meeting held on 8/2/2000 has delegated the powers to issue directions under section 33A of the Water (Prevention & Control of Pollution) Act 1974 & Air (Prevention & Control of Pollution) Act 1981 to the Regional Officers of the Board in urgent and emergent cases.

Accordingly the Board has laid down certain procedure/ guidelines in exercising the said powers delegated to the Regional Officers of the Board under section 33A of the Water Act 1974 & 31A of the Air Act 1981 vide office order No. E/28/2000 dated 15/3/2000. A copy of the office order is enclosed for your ready reference.

It is obligatory on the part of the Regional Officers of the Board that after action taken in exercise of these powers, they have to take follow up of the compliance of the said directions and to report to the concerned technical and legal incharge at the Head office.

It appears from the record that the proposed directions/interim directions are being issued are in repetitive nature, which are not only ineffective, but also not taken to the logical conclusion. It also appears that the bank Guarantee submitted by the defaulter also got expired & thereby it becomes difficult to implement it effectively.

Therefore, It has been once again directed that the officers exercising powers should prepare and submit monthly progress report in respect of closure directions/proposed directions/interim directions issued under section 33A of the Water (Prevention & Control of Pollution) Act 1974 and 31A of the Air (Prevention & Control of Pollution) Act 1981 issued by them. The outcome of such type of actions with their observations in respect of exercise of the powers shall also be communicated by the 7<sup>th</sup> day of each month for further examination from the legal & technical point of view to the in charge of respective area & legal in charge at Head Office.

The above instructions shall be followed scrupulously, failing which it shall be viewed seriously.

*Jainan/29.7.09*  
( Mahesh Pathak )  
Member Secretary

D.A. : As above.

- Copy submitted to : The Chairperson, MPCB, Mumbai – for favour of information.
- Copy to: I/c W.P.A.E./I/c A.P.A.E./P.S.O./Sr.L.O.(P&L Divn.), MPCB, Mumbai – for information.
- Copy to: L.O.(P&L Divn.)/S.O., MPCB, Mumbai – for information.
- Copy to: Regional Officer-P&P/HQ/PC-I/Co-Ordination/PAMS, MPCB, Mumbai – for information and necessary action.
- Copy to: All S.R.O. at HQ – for information and necessary action.
- Copy to: SRO-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.
- Copy to: All ALOs, P&L Divn., MPCB, Mumbai – for information and necessary follow up.

The Board in its 10th meeting held on 21.07.2009 has decided to forward to the Regional Officer, Mumbai & Control of Pollution (R.O.) to the Regional Officer of the Board to...

Accordingly the Board has laid down certain guidelines to be followed by the Regional Officer of the Board under section 33A of the Water (Prevention & Control of Pollution) Act 1987 and also under the E.P.C.A. dated 12.08.2009. A copy of the letter is enclosed at your ready reference.

It is requested on the part of the Regional Officer of the Board that after action taken in pursuance of these powers, they have to take follow up of the compliance of the Board and to report to the concerned and report back to the Head Office.

It appears from the report that the proposed project is situated in an area which is not very well known but it is situated in the industrial area. It is requested that the Regional Officer should ensure that the project is not situated in an area which is not very well known but it is situated in the industrial area. It is requested that the Regional Officer should ensure that the project is not situated in an area which is not very well known but it is situated in the industrial area.

The Board has been given a copy of the report and the Regional Officer should ensure that the project is not situated in an area which is not very well known but it is situated in the industrial area. It is requested that the Regional Officer should ensure that the project is not situated in an area which is not very well known but it is situated in the industrial area.

The Board has been given a copy of the report and the Regional Officer should ensure that the project is not situated in an area which is not very well known but it is situated in the industrial area. It is requested that the Regional Officer should ensure that the project is not situated in an area which is not very well known but it is situated in the industrial area.

*Handwritten notes and stamps:*  
 2/18  
 2/18  
 2/18



MAHARASHTRA POLLUTION CONTROL BOARD

OFFICE ORDER NO. E/28 OF 2000

Sub: Delegation of powers to the Regional Officers of the Board to give directions under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981 (with Act No.47 of 1987) and under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 (with Act No.53 of 1988).

Ref: Minutes of the 126<sup>th</sup> Meeting held on 8.2.2000  
.....

The Board in its 126<sup>th</sup> meeting held on 8.2.2000 vide Table Item No.3 has decided to delegate the powers to the Regional Officers in urgent and emergent cases under Section 31A of the Air (Prevention & Control of Pollution) Act, 1981 (with Act No.47 of 1987) and under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 (with Act No.53 of 1988) subject to following restrictions.

- (1) The powers shall be exercised only in emergent cases such as gas leak, absence of pollution control devices, non-operation of emission control devices/effluent treatment plant and discharge of highly acidic/alkaline effluent causing serious pollution, serious complaints of air pollution, water pollution and environmental pollution endangering public health, flora and fauna.
- (2) The Regional Officers shall follow the principles of natural justice before exercising these powers. However in case of extreme emergent situations causing grave and sudden injury to the environment, the procedure of giving show cause/hearing may be dispensed with.
- (3) In case the industry is directed to stop manufacturing activities and the water supply and/or electricity supply is disconnected, the Regional Officers shall send the proposal to the Chairman/Member Secretary of the Board.
- (4) These powers shall be exercised in accordance with the procedure to be laid down by the Legal Department.
- (5) These powers shall be utilised sparingly and judiciously and in other cases, alternative legal action such as prosecution shall be resorted to.

(6) The powers already vested with the Chairman and Member Secretary shall remain in force.

These powers shall be utilised judiciously by the Regional Officers. Actions taken in exercise of these powers including follow up of compliance shall be reported to the concerned in Technical and Legal Incharge at the Head Office.

A copy of the Table Item No.3 alongwith an abstract of decision taken by the Board in its 126<sup>th</sup> meeting held on 8.2.2000 is annexed for ready reference.

  
(K.H. Mehta)  
Member Secretary

Encl: As above

**MAHARASHTRA POLLUTION CONTROL BOARD**

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

Date: 15-03-2000

No.WP/Legal(HQ)/B- 1557

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), MPCB Mumbai – for information.

Copy to: Law Officer(LW), MPCB, Mumbai – He shall prepare detailed procedural/  
guidance immediately.

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