

MAHARASHTRA POLLUTION CONTROL BOARD

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Mumbai-400 022.

No. MPCB/AS(T)/TB/B- 2-195

Date : 10/04/2015

5/5/15

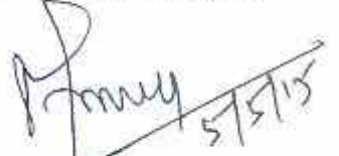
CIRCULAR

Sub:- Handling of Legal Matters/Filing of Affidavit against the defaulters.
Ref.: 1. Board's Circular vide letter No. BO/TB/MS/B-669 dtd. 14/02/2014.

This has reference with the above referred Board's Circular dtd. 14/02/2014 in which it was clearly mentioned that "All the Court matter related to specific industry will be dealt by concerned technical HOD and not the area coordinator. Further in case of any difficulty in specific Court case, the legal division will allot the case to either area coordinator or technical HOD with approval of M.S."

It has been noticed that the filing of an Affidavit in Hon'ble Supreme Court, Hon'ble High Court, Hon'ble NGT against the PIL / complaint is often delayed due to transfer of responsibility from the concerned area coordinator to subject expert and vis-a-versa. As a result of this, it is not prepared properly and filing of an Affidavit in the Court is delayed which in turn lower the dignity of the Board in the Court as well as in the Public.

Therefore, it has been decided to have a more clarity in this regard and henceforth an Affidavit for Hon'ble Supreme Court, Hon'ble High Court, Hon'ble NGT shall be filed only by the subject expert HOD and not by the area co-ordinator. In case of combined issues of air pollution, water pollution, hazardous waste, the responsibility lies with subject expert of dominated issue viz. more of air pollution and less of water and hazardous waste, JD(APC) will be responsible for filing court case. Further, in case of any ambiguity, the matter shall be referred to Legal Department and get their advice immediately and on the basis of advice from Legal department, concerned HOD should file the affidavit under his signature without wasting further time. As far as particular industry issues are concerned, cases has to be filed by the concerned Regional Officer of that area after obtaining comments from the subject expert HOD prior to obtaining approval of the undersigned.


(Dr. P. Anbalagan, IAS)
Member Secretary

For information:
Hon'ble Chairman, M.P.C. Board, Mumbai.

To,
All HODs/TA,CC-CAC Cell, M.P.C. Board, Mumbai.
All ROs/ All SROs, M.P.C. Board.