

## MAHARASHTRA POLLUTION CONTROL BOARD

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**Mumbai : 400 022**

No. MPCB/RO(HQ)/B-3875

Date 5/9/2015

**OFFICE ORDER NO. 215/2015**

Sub : In the matter of Writ Petition No.845/2014 filed by  
Datta Patil & Ors. v/s State of Maharashtra & Ors.  
Before the Hon'ble High Court, Mumbai.

Shri Datta Patil & Ors. have filed a Writ Petition bearing No.845/2014 against the State of Maharashtra & Ors. before the Hon'ble High Court of Judicature at Bombay, regarding violation of EIA Notification, 2006 by M/s. Om Omega Shelter, Worli, Mumbai.

The Hon'ble High Court while disposing the matter, vide order dtd.11/8/2015 issued directions to MPCB, which are reproduced as under

*"We hope and trust that the Maharashtra State Pollution Control Board will now be taking necessary measures so that the mandate of the Law made by the Parliament to protect environment and equally the competent legislature to control and regulate the construction activities is not violated.*

*We have been assured that all the details with regard to the pending complaints about violation of environmental laws, show cause notice alleging the same and the orders made thereon would be duly displayed on the website of the Maharashtra Pollution Control Board"*

A copy of the Hon'ble High Court's order dtd. 11/08/2015 is enclosed herewith.

In compliance of the Hon'ble High Court's Order dtd.11/08/2015, the procedure for investigation of complaint is as under :-

- A. **Procedure for investigation of complaints received at Head Office level**
1. All complaints received at Head Office level will be registered by AST Division and to maintain record accordingly. The AST Division will acknowledge the complaint and simultaneously sent this complaint to concern Regional Officers/Sub-Regional Officers within 2 days with a copy to concern Area Co-Ordinator at HQ. If there is a urgency considering the nature of complaint AS(T) section will immediately sent the complaint to concern Regional Officer/Sub Regional Officer on same day.
  2. After receipt of the complaint, concerned Sub-Regional Officer in the field shall investigate the complaint on priority within 7 days, if there is a grave situation on the ground level, then he has to investigate the complaint immediately on same day and submit the report to the Regional Officer along with their opinion in order to initiate action. After receipt of the report from the Sub-Regional Officer,

Regional Officer shall initiate appropriate action by following due procedure, as per delegation of powers within a period of 4 days.

3. The concerned Regional Officer shall submit the complaint investigation report & action taken report to the concerned Area Co-Ordinator at HQ within 4 days from the receipt of the report from Sub-Regional Officer.
4. The concerned Area Co-Ordinator shall take review of the complaint investigation report and action taken by the Regional Officer and if require, may route the file through the concerned subject HoD depending upon the nature of complaint and a technical input required within 2 days after receipt of the report from the Regional Officer.
5. After taking appropriate action, the file will be sent to AST Section for display on the website of the Board of the action initiated by the Board on the complaint and AST Section shall send the Action Taken Report to the complainant.
6. The AST Section shall hoist the Complaint Investigation & Action Taken Report on the website within a period of 3 days from the receipt of the file/report from Area Co Ordinator.

**B. Procedure for investigation of complaints received at RO/SRO Office.**

1. All complaints received at RO/SRO level will be registered by concerned RO/SRO and to maintain record accordingly.
2. After receipt of the complaint, concerned SRO shall investigate the complaint on priority within 7 days, if there is a grave situation on the ground level, then SRO has to investigate the complaint immediately on same day and submit the report to the Regional Officer along with their opinion in order to initiate action. After receipt of the report from the Sub-Regional Officer, Regional Officer shall initiate appropriate action by following due procedure, as per delegation of powers within a period of 4 days.
3. The concerned Regional Officer shall submit the complaint investigation report & action taken report to the concerned Area Co-Ordinator at HQ within 4 days from the receipt of the report from Sub-Regional Officer and simultaneously communicate to the complainant.
4. The concerned Area Co-Ordinator shall take review of the complaint investigation report and action taken by the Regional Officer and if require, may route the file through the concerned subject HoD depending upon the nature of complaint and a technical input required within 2 days after receipt of the report from the Regional Officer.
5. The concerned Area Co-Ordinator will send the Action Taken Report to AST Section for display on the website of the Board of the action initiated by the Board on the complaint .



6. The AST Section shall hoist the Complaint Investigation & Action Taken Report on the website within a period of 3 days from the receipt of the file/report from Area Co Ordinator.

The Hon'ble High Court has taken a serious note that the Board is not following due procedure while investigating the complaints and initiating incomplete actions. Therefore, all HoDs/ROs/SROs are directed to investigate the complaints and initiate appropriate actions till end of result.

Asstt. Secretary ( Tech.) initially will deduce the format for displaying the complaint investigation and action taken report *on website*

Further, all ROs are directed to investigate the pending complaints as on date of circular within a period of 8 days by following above said procedure and AST Division shall ensure that it will be hoisted within a period of 3 weeks.

All HoDs/ROs/SROs are directed to follow the above Office Order scrupulously, failure of this will be viewed seriously.



(Dr.P. Anbatagan)  
Member Secretary

Encl: As above

Copy to:

- 1) Joint Director(APC)/Principal Scientific Officer/Joint Director(WPC)/ Asstt. Secretary(Tech.)/ Regional Officer(HQ), MPCB, Mumbai – for information and necessary action.
- 2) Law Officer//c Law Officer (P&L Div.)/S.O., MPCB, Mumbai– for information & necessary action.
- 3) RO-Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/ Pune/ Aurangabad/ Nagpur/ Nashik/Kolhapur/ Amravati/ Chandrapur, MPCB – for information and necessary action.
- 6) 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.