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MAHARASHTRA POLLUTION CONTROL BOARD

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No.BO/P&L Divn./B- 5023

Date: 31/07/2009

CIRCULAR

Sub : Procedure for filing of Affidavits and Vakalatnama in the High Court.

Ref : Mrs.Preeti B.Walimbe, Advocate High Court's letter
dtd.15/07/2009.

Mrs.Preeti B. Walimbe, Advocate High Court, Mumbai and our Panel Advocate in various Board's court cases, vide letter dtd.15/07/2009 informed about the procedure for filing of Affidavits and Vakalatnama in the Hon'ble High Court, which is reproduced hereunder:-

"In order to file an affidavit, firstly, it has to be affirmed before the concerned officer. Thereafter, relevant annexures are annexed to the affidavit and it is paginated. After pagination, the copy of the affidavit served on the Advocate for the Petitioner and his acknowledgment is received on the original copy. Only then, the Affidavit can be filed in the High Court Department.

When the matter is due for admission, it is send in the Board Department three days before he date of admission. Therefore, generally, the Affidavits should be filed before three days of the due date. Once, the matter is sent in the Board Department, the office does not accept it. Further in most urgent cases, if the matter is sent in the Board Department, duly affirmed Affidavit can be served on the Advocate for the Petitioner in advance and then, it can be tendered across the bar when the matter is called out.

When the Affidavit is filed in the department, it is given a number or a stamp number. Filing of affidavit is usually done by the Clerks of the Advocate. It is, therefore, suggested that the Clerk of MPCB should co-ordinate with the clerks of concerned Advocates and note down the number of affidavit and the date of filing for record of MPCB.

Similarly, after a Vakalatnama duly signed by the concerned Regional Officer /Sub-Regional Officer is filed in the department. It is given a number or stamp number, which can be noted by the Clerk of the MPCB. Vakalatnama should be sent as early as possible. After Vakalatnama is filed, the name of the Advaocate appears on board. Thus, it becomes easy to trace out the matter, when it comes on board as appearance of the advocate will be shown after the vakalatnama is filed. However, if Vakalatnama is not filed in time, it becomes difficult to trace out the matter and attend it."

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I hope you will find the above information in order and will put your queries to rest. Let me know if any further explanation is needed."

Devale
(D. T. Devale)
Sr. Law Officer

Copy submitted to: The Member Secretary, MPCB, Mumbai – for favour of information.

Copy to: I/c WPAE(PCI-III)/I/c APAE/CAO/PSO(PCI-I)/ Project Leader (Zoning Atlas), MPCB, Mumbai – for information and necessary action.

Copy to: I/c Central Lab., Mahape Navi Mumbai/ L.O.(P&L Div.I & II)/Sr.A.O./S.O., MPCB, Mumbai – for information and necessary action.

Copy to: R.O.- HQ/(PCI-II)/P&P/Co-Ordination/I/c PAMS/ Mumbai/Navi Mumbai/ Thane/Kalyan/Raigad/Pune/Aurangabad/ Nagpur/Nashik/Kolhapur/ Amravati/ Chandrapur, MPCB – for information and necessary action.

Copy to: All Sub-Regional Officers at HQ, MPCB, Mumbai – 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 Asstt.Law Officers, MPCB, Mumbai- for information and necessary action.