

The M.P. Water (Prevention and Control of Pollution) Appeal Rules, 1976

MADHYA PRADESH

India

The M.P. Water (Prevention and Control of Pollution) Appeal Rules, 1976

Rule

THE-M-P-WATER-PREVENTION-AND-CONTROL-OF-POLLUTION-APPEAL RULES of 1976

- Published on 3 July 1976
- Commenced on 3 July 1976
- [This is the version of this document from 3 July 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Water (Prevention and Control of Pollution) Appeal Rules, 1976 Published vide Notification No. 2332-5015-32-76, dated 3-7-1976. M.P. Rajpatra Part 4 (Ga), dated 30-7-1976 at pp. 569-572. In exercise of the powers conferred by sub-section (1) and clause (m) of sub-section (2) of Section 64 read with sub-section (3) of Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974), the State Government, in consultation with the Madhya Pradesh State Prevention and Control of Water Pollution Board, hereby makes the following rules, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Water (Prevention and Control of Pollution) Appeal Rules, 1976.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974); (b) "Appellate Authority" means the appellate authority constituted under Section 28; (c) "Board" means the Madhya Pradesh State Prevention and Control of Water Pollution Board constituted under sub-section (1) of Section 4; (d) "Form" means a form appended to these rules; (e) "Member Secretary" means the Member-Secretary of the Board; (f) "Section" means a section of the Act.

3. Fee.

- The fee payable for an appeal under Section 28 shall be [Rs. 1000.00] [Substituted by Notification No. 3437-11-12-87-XXXII, dated 30-6-1989.].

4. Memorandum of appeal.

- Every appeal shall, -(a) be in writing; (b) specify the name and address of the appellant; (c) specify the date of the order against which it is made; (d) specify the date on which the order was communicated to the appellant; (e) contain a clear statement of facts; (f) specify the grounds on which the appeal is preferred; (g) state precisely the relief prayed for; and (h) be signed and verified by the appellant or an agent duly authorised by him in writing in this behalf in the following form, namely :- "I.....the appellant named in the above memorandum of appeal/his authorised agent do hereby declare that what is stated therein is true to the best of my knowledge and belief."Signature (2) The memorandum of appeal shall be accompanied by :- (a) an authenticated copy of the order against which the appeal is preferred; (b) a copy of the application made under Section 25 or 26, as the case may be; (c) any document relevant to the appeal; (d) a satisfactory proof of payment of the fee prescribed under Rule 3. (3) As far as possible, the memorandum of appeal shall be -(a) In Form I, where the appeal relates to matters covered by sub-section (4) of Section 28; and (b) In Form II, where the appeal relates to matter not covered by sub-section (5) of Section 28. (4) the memorandum of appeal shall be in quadruplicate and shall either be presented to the appellate authority by the appellant or his authorised agent or sent to such authority by registered post. When the memorandum of appeal is presented by an agent duly authorised by the appellant it shall be accompanied by a duly stamped letter of authority appointing him as such. (5) On receiving the memorandum of appeal, the appellate authority shall endorse thereon the date of its presentation and the name of the appellant or his duly authorised agent, as the case may be, presenting it.

5. Fixing the date of hearing and power to call for the record.

(1) The appellate authority shall as soon as may be after the memorandum of appeal is filed, fix a date for hearing of the appeal and give intimation of the same to the appellant and the Member-Secretary in such manner as it deems fit. A copy of the memorandum of appeal along with its enclosures shall also be sent to the Member-Secretary. (2) The appellate authority shall call for the record of the case from the Member-Secretary, if necessary. (3) Where the material on record is insufficient to enable the appellate authority to have a definite conclusion may take additional evidence or call for such further material from the appellant or the Member-Secretary as it thinks fit. Such material shall form part of the record. (4) Where on the date fixed for hearing or any date to which hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal may be dismissed or may be decided ex-parte. (5) Where an appeal is dismissed under sub-rule (4), the appellant may within 30 days from the date of dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any sufficient cause from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on

such terms as it thinks fit.

6. Order to be in writing.

- The order for the appellate authority shall be in writing and shall state the points for the determination, the decision thereon and the reasons for the decision.

7. Supply of copy of order to the appellant and the Board.

- Copy of the order passed in appeal shall be supplied free of cost to the appellant. Copy of the order shall also be sent to the Member-Secretary. Form-I [See sub-rule 4 (3) (a)] Form of Appeal Under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 To, The President, Appellate Authority, Constituted under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 The appeal of..... resident of..... Ward No..... Tahsil District..... showeth as follows :-(I) Under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974), the appellant has been granted consent subject to the conditions mentioned in the consent order in respect of the Plant/Corporation/Municipality/Notified Area Committee noted below :-(a) Name of Plant/Corporation/Municipality/Notified Area Committee (b) Place-(c) Ward No.-(d) Name of the Street-(e) Urban Area-(f) District :-A copy of the consent order in question is attached hereto. (II) The grounds on which the appellant relies for the purposes of this appeal are as follows : (III) The appellant, therefore, prays that :- *The unreasonable condition No..... Conditions Nos.imposed should be treated as annulled or it/they should be substituted by such other condition/conditions as appears to be reasonable. OR The unreasonable condition No..... Conditions Nos.should be varied in the following manner. Dated..... Signature..... Occupation..... Address..... Form of Verification I, the appellant named in the above memorandum of appeal/his authorised agent do hereby declare that what is stated therein is true to the best of my knowledge and belief. Dated..... Signature..... Occupation..... Address..... Form-II [See sub-rule 4 (3) (b)] Form of Appeal Under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 To, The President, Appellate Authority, Constituted under Section 24 of the Water (Prevention and Control of Pollution) Act, 1974. The appeal of..... resident of..... Ward No..... Tahsil..... District..... Showeth as follows :-(I) Under Section 27 of the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974). *The appellant has been refused consent. OR *The consent has been withdrawn by the Board in respect of the Plant/Corporation/Municipality/Notified Area Committee noted below :-(a) Name of the Plant/Corporation/Municipality/Notified Area Committee (b) Place-(c) Ward No.-(d) Name of the Street-(e) Urban Area-(f) District -A copy of the order in question is attached hereby. (II) The appellant being aggrieved by the aforesaid order prays that the said order be set-aside on, amongst others, the following ground/grounds, namely :- *Strike out which is not applicable. Dated..... Signature..... Occupation..... Address..... Form of Verification I, the appellant named in the above memorandum of appeal/his authorised agent do hereby declare that what is stated therein is true to the best of my knowledge and belief. Dated..... Signature..... Occupation..... Address