

# **Punjab Water (Prevention and Control of Pollution) Appeals Rules, 1978**

PUNJAB

India

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### **Rule**

### **PUNJAB-WATER-PREVENTION-AND-CONTROL-OF-POLLUTION-APPEALS RULES, 1978**

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Punjab Water (Prevention and Control of Pollution) Appeals Rules, 1978Published vide Punjab Government Notification No. G.S.R. 86/C.A. 6/74/Sections 28 & 64/78, dated August 22, 1978No. G.S.R. 86/C.A. 6/74/Sections 28 & 64/78. - In exercise of the powers conferred by 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 (Central Act 6 of 1974), the Governor of Punjab in consultation with the Punjab State Board for the Prevention and Control of Water Pollution is pleased to make the following rules, namely :-

#### **1. Short Title.**

- These rules may be called the Punjab Water (Prevention and Control of Pollution) Appeals Rules, 1978.

#### **2. Definitions.**

- In this rule unless the context otherwise requires, -(a)"Act" means the Water (Prevention and Control of Pollution) Act, 1974 (Central Act No. 6 of 1974);(b)"appellate authority" means the appellate authority constituted under section 28;(c)"Board" means the Punjab State Board for the Prevention and Control of Water Pollution constituted under sub-section (1) of section 4;(d)"Form" means a form appended to these rules;(e)"Section" means a section of the Act.

### **3. Memorandum of appeal.**

(1) 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 in distinct paras to be numbered serially; (f) specify the grounds on which the appeal is preferred; (g) state precisely the relief prayed for; (h) be signed and verified by the appellant or an agent duly authorised by him in writing in this behalf, (2) [A fee of Rs. 1000 (Rupees one thousand) for every appeal under this rule shall be paid by the appellant with each appeal in the form of a bank's pay order or demand draft favouring Punjab Pollution Control Board payable at Patiala.] [Sub-rule (2) substituted vide Punjab Notification No. 3/118/2000- LO-AA/1133 dated 7.6.2001.] (3) 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 section 26, as the case may be; (c) a satisfactory proof of payment of the fee specified under sub-rule (2); and (d) any other document relevant to the appeal. (4) As far as possible, the memorandum of appeal shall be - (a) In Form-I, where the appeal relates to matters covered by sub-section (5) of section 28; and (b) In Form-II, where the appeal relates to matters not covered by sub-section (5) of section 28. (5) 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.

### **4. Endorsement upon the memorandum of appeal.**

- On receiving the memorandum of appeal, the appellate authority shall endorse thereon the date of its presentation and 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 presented, fix a date for hearing of the appeal and give intimation of the same to the appellant and the Board in such manner as it may deem fit. A copy of the memorandum of appeal alongwith its enclosures shall also be sent to the Board. (2) The appellate authority shall call for the record of the case from the Board. (3) Where the material on record is insufficient to enable the appellate authority to have a definite conclusion it may take additional evidence or call for such further material from the appellant or the Board, as it may think 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 thirty 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 may think fit.

## 6. Order to be in writing.

(1) After hearing the appellant or his authorised agent and the Board or an officer duly authorised by it, the appellate authority shall make an order in writing specifying the points for determination and its decision. The order shall bear the stamp of the appellate authority and shall be signed by one of the persons constituting the appellate authority. (2) The order passed by the appellate authority shall be final.

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

- A copy of the order passed in appeal shall be supplied free of cost to the appellant and the Board. Form I [See rule 3(4)(a)] Form of appeal under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974). To The Chairman, Appellate Authority, Constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974. The appeal of....., resident of..... Ward No..... Tehsil..... District..... showeth as follows :- (I) Under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 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 this purposes of this appeal are as follows :- (III) The appellant, therefore, prays that :- \*the unreasonable condition/conditions Nos..... imposed should be treated as annulled or it/these should be substituted by such other condition/conditions as appears to be reasonable. The unreasonable condition No./Conditions Nos..... should be varied in the following manner :- Signature..... Occupation..... Address..... Form of Verification I..... the appellant named in the above memorandum of appeal/the authorised agent of the appellant do hereby declare that what is stated therein is true to the best of my knowledge and belief. Signature..... Occupation..... Address..... Date : Form II [See rule 3(4)(b)] Form of appeal under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (No. 6 of 1974). To The Chairman, Appellate Authority, Constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974. The appeal of..... resident of..... Ward No..... Tehsil..... District..... showeth as follows :- (1) 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. Signature..... Occupation..... Address..... Dated Form of Verification I..... the appellant named in the above memorandum of appeal/the authorised agent of the appellant do hereby declare that what is stated therein is true to the best of my

knowledge and belief. Signature.....Occupation.....Address.....Dated