

THE ORISSA GAZETTE
EXTRAORDINARY
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No.1115 CUTTACK, TUESDAY, SEPTEMBER-1, 1998/ BHADRAB 11, 1920.

FOREST & ENVIRONMENT DEPARTMENT
NOTIFICATION
The 17th August 1998

S.R.O. No. 426/98- In exercise of the power conferred by Section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the State Government, after consultation with the State Pollution Control Board, hereby make the following rules to amend the Orissa Water (prevention and Control of Pollution) Rules, 1983, namely:-

1. (1) These rules may be called to Orissa Water (Prevention and Control of Pollution) (Amendment) Rules, 1998.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In Orissa Water Prevention and Control of Pollution) Rules, 1983 (here in after referred to as the said rules), in sub-rule (1) of rule 2, after clause (a), the following clause shall be inserted, namely:-

“(a-1) ‘Appellate Authority’ means the Appellate Authority constituted by the State Government under Sub-section (1) of section 28.”

3. In the said rules, after rule 32, the following new rules under a new chapter shall be added, namely:-

CHAPTER-XVI

33. Memorandum of Appeal

(1) Every Appeal preferred under Sub-section (1) of section 28 shall be filed by the aggrieved party in Form XIII.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal shall be entertained by Appellate Authority,

(3) (a) Every appeal shall—

(i) be in writing ;

(ii) specify the name and address of the appellant and the date of the order appealed against;

(iii) specify the date on which the order appealed against was communicated to the appellant;

(iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal ;

(v) state precisely the relief prayed for; and

(vi) be signed verified by the appellant or an agent duly authorized by the appellant in writing in this behalf.

(b) Every appeal shall be accompanied by-

(i) an authenticated copy of the order against which appeal is made;

(ii) any document relating to the appeal; and

(iii) a satisfactory proof of the payment of the prescribed fee.

(c) The fee fixed by Government from time to time shall be deposited by every appellant in the office of the appellate Authority and an authenticated copy of the receipt obtained shall be annexed to every appeal. No appeal which is not accompanied by the aforesaid copy of the receipt shall be entertained by the Appellate Authority.

(d) Every memorandum of appeal shall be submitted in quadruplicate to the Appellate Authority by the appellant or his authorized agent in person or sent to such Authority by registered post. When the

Memorandum of Appeal is presented by an agent duly authorized by the appellant; it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as his agent.

(e) On receipt of the Memorandum of appeal, the Appellate Authority shall endorse there on the date of its presentation or receipt by post and the name of the appellant or his duly authorized agent presenting it as the case may be.

34. Procedure to be followed by the Appellate Authority in dealing with and disposal of the appeal etc.

(1) The Appellate Authority shall, as soon as may be, after Memorandum of Appeal is filed before it, fix a date for hearing of the appeal and give intimation of the same to the appellant and the Member Secretary in Form XIV. While giving such intimation to the Member-Secretary, a copy of the Memorandum of Appeal together with its enclosure shall also be sent to the Member-Secretary, and he shall be called upon to send to this Appellate Authority, all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is insufficient to enable the Appellate Authority to come to a definite decision, it may take additional evidence and call for such further material from the appellant or the Member-Secretary, as he deems fit. Such material shall form part of the record but not before the party other than that from whom such record has been received, has been given opportunity to pursue such record, itself against anything contained which is detrimental to the interest of that party.

(3) Where on the date fixed for hearing or on the date to which the hearing of the appeal is adjourned the appellant or his duly authorized agent does not appear when the appeal is called for hearing; the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub-rule (3) the appellant may, within 15 days from the dismissal of the appeal, apply to the Appellate Authority for the restoration of the appeal and if it 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 cause, sufficient in the opinion of the Appellate Authority from appearing when the appeal was called for hearing, the Appellate Authority may restore the appeal on such terms as it thinks fit.

(5) The order passed by the Appellate Authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision there of and the reasons for the decision.

(6) A copy of the order passed in appeal shall be supplied by the Appellate Authority free of cost to the appellant and copy there of shall also be sent to the Member-Secretary.

7) The fees payable under sub-section (3) of section 28 shall be as follows:-

- (A) Incase of Industries:-
- | | |
|---|---------------|
| (a) Large scale industries having capital investment of Rs. 5.00 or above. |Rs. 3,000 |
| (b) Medium scale industries having capital investment of Rs.1.00 crore or above, but below Rs. 5.00 crores. |Rs.1,500 |
| (c) Medium Scale industries with capital investment below Rs.1.00 crore. | ...Rs. 1,000 |
| (d) Small Scale industries with capital investment of above Rs. 10.00 lakhs. | ... Rs. 500 |
| (e) Small scale industries with capital investment above Rs. 2.00 lakhs, but below Rs. Rs. 10.00 lakhs. |Rs. 250 |
| (f) Small scale industries with capital investment of Rs. 2.00 lakhs or below. | ...Rs. 100 |
- (B) Incase of local bodies.

- | | |
|---|----------------|
| (a) Municipalities/ Corporations having a Population of more than 10 lakhs. |Rs. 5,000 |
| (b) Municipalities/Corporations having a Population of more than 5 lakhs but less than 10 lakhs. | Rs. 2,500 |
| (c) Municipalities/NACs having a population Of more than 1 lakhs but less than 5 lakhs. |Rs. 1,000 |
| (d) Municipalities / NACs having a population up to 1 lakhs and any other local Bodies, such as, Notified Area Authority. | Rs. 250 |

NNEXURE-A
FORM -XIII

**Form of appeal under Section 28 of the Water
[(Prevention & Control of Pollution) 1974 Act (6 of 1974)]
[See sub-rule (1) of rule 33]**

Here mention the name and designation of the authority before.....
Appellate Authority constituted under Section 28 of the Water (Prevention & Control of Pollution) Act, 1974
(6 of 1974) Memorandum of appeal of Shri.....(Appellant)

Vrs.

The State Pollution Control Board.....(Respondent)

The appeal of shri.....resident of..... District.....against the
Order....., Dtd.....passed by the State pollution Control Board under Section 28 of the
Water (Prevention and Control of Pollution) Act, 1974 sheweth as follows:-

1. a) Name of plant/ company/ Corporation/ Municipality/Notified Area Committee;

b) Place

c) Card No;

d) Name of the street; and

e) District

A copy of the Consent order in question is attached hereto.

2. The facts of the case are as under:-

(here briefly mention the facts of the case)

3. The grounds on which the appellant relies for the purpose of this appeal are as below: -

(here mention the grounds on which appeal is made)

1)

2)

3)

4. In the light of what is stated above, the appellant respectfully prayed that-

a) The unreasonable condition (s)imposed should be treated as annual
or it/ they should be constituted for such other condition (s) it appears to be reasonable;

OR

b) The unreasonable condition (s)Should be varied in
the following manner:-

[Here mention the manner in which the condition (s) object]

An amount of Rs.....as fee for this appeal has paid Vide receipt no.

Dated.....

(An authorized copy of this is attached in proof of payment)

Dated:

Signature of the Appellant

(Name in Block Letters)

Occupation:

Address:

VERIFICATION

I,.....(appellant's name) in the above Memorandum of appeal / or duly authorized agent do/dose herby declare that what is stated there in is true to the best of my knowledge and nothing has been hidden there under.

Signature

Name (In block letters)

Occupation:

Dated: -

Address:

*Strike out what is not applicable