

Government of Orissa
Forest & Environment Department.

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RESOLUTION

Dated, Bhubaneswar, the 29 - 7 - 2005.

No. Env. I-7/2004 (Pt. III) 1330/F&E, The State Govt. have constituted three Appellate Authorities to hear appeals preferred against orders made by the State Pollution Control Board under (1) Water (Prevention and Control of Pollution) Act, 1974, (2) Air (Prevention and Control of Pollution) Act, 1981 and (3) The Bio-medical waste (Management and Handling) Rules, 1998. Rules for disposal of appeal under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1974 and the functioning of the Appellate Authority have also been framed vide S.R.O. Nos. 426/98 and 427/98 dated 17.8.1998 respectively. However, no separate procedure has been laid down for processing and disposal of appeals and no separate fee structure has been prescribed by Government of India for preferring appeals under the Bio-medical waste (Management and Handling) Rules, 1998.

With a view to expedite smooth functioning of the Appellate Authorities, the following decisions have been taken: -

1. The headquarters of the Authority shall be at Bhubaneswar and it shall function at A/118, Nilakanthanagar, Unit-VIII, Bhubaneswar-751 012, Orissa. All correspondence may be made to the Designated Officer, State Appellate Authority in the above address.
2. The fees for appeal shall be paid through a Government treasury challan, under the head of account, to be decided by Government.
3. The non-official members of the Appellate Authority shall be entitled to a sitting fee, and travelling allowance, as decided by Government from time to time.
4. The manner of presentation and Registration of appeal shall be as follows :-
 - (i) Every appeal shall be presented to the Officer, designated by the State Govt. from time to time, either by the party in person or by registered post.

- (ii) Where a pleader or an authorised agent presents an appeal, a letter of authority appointing him as such, shall accompany it.
- (iii) On receipt, the designated officer shall enter on it the date of receipt and shall thereafter examine the following:-
 - (a) Whether the person presenting it has the authority to do so.;
 - (b) Whether the fee prescribed for appeal has been paid,
 - (c) Whether it has been presented within the time prescribed for filing the appeal, and
 - (d) Whether it conforms to the provisions of the Act and the rules.

If the designated officer finds that the appeal satisfies the above points, he shall cause it to be registered in a record to be kept for the purpose.

- (iv) If the designated officer finds that the appeal does not conform to any of the above requirements, he shall by a notice direct the party to remedy the defect(s) within a reasonable period of time to be specified by him. He may extend the time on being satisfied of the cause of delay. If the defect or defects are remedied within the period allowed, he shall cause the appeal to be registered.
- (v) If the defect or defects are not remedied within the time period allowed, the designated officer shall make a report to the appellate authority who may reject the appeal or fix a date for hearing with due notice to the parties concerned.
- (vi) On the date so fixed, the appellate authority shall after hearing the parties, pass an order directing either the registration or give a direction. Where the appeal is rejected, the appellate authority shall record its reasons for doing so.
- (vii) Where an appeal is presented beyond the time period prescribed under the Act, it shall be accompanied by an affidavit, setting forth the facts on which the appellant relies to satisfy

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the appellate authority that he had sufficient cause for not preferring the appeal within such time period. Such appeal shall not be admitted unless notice is given to the Respondent.

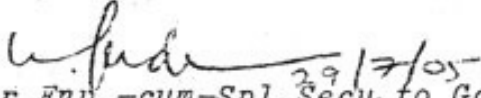
5. Any two members, including the Chairman, shall form the quorum for any meeting of the appellate authority.
6. Appeals preferred under Bio-medical Waste (Management and Handling) Rules, 1998 shall be disposed of, in accordance with the procedure laid down under the Orissa Water (Prevention and Control of Pollution) Rule, 1983 and the Orissa Air (Prevention and Control of Pollution) Rule, 1983 and the amendments there-of. An appellant is not required to deposit any fees for filing appeal under the Bio-medical waste (Management and Handling) Rules, 1998 till it is so prescribed under the said rule.

By order of the Governor

S.P.Nanda
Principal Secretary to Govt.

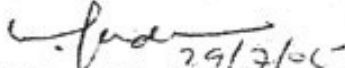
Memo No. 13302 /F&E, Date : 29-7-05

Copy forwarded to the Director, Printing, Stationery and publication, Orissa, Cuttack for publication of the Resolution in an extraordinary issue of the Gazette and to send 100 (one hundred) copies of such resolution to this Department.


Director, Env. -cum-Spl. Secy. to Govt.

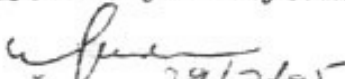
Memo No. 13303 /F&E, Date : 29-7-05

Copy forwarded to the Chairman and All members concerned of the Appellate Authority for information and necessary action.


Director, Env. -cum-Spl. Secy. to Govt.

Memo No. 13304 /F&E, Date : 29-7-05

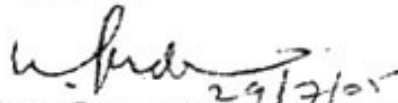
Copy forwarded to All Departments of Government/ All Heads of the Deptt. of Government/ All Revenue Divisional Commissioners/All Collectors for information and necessary action.


Director, Env. -cum-Spl. Secy. to Govt.

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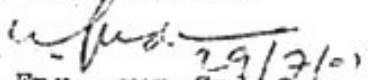
Memo No. 13305/F&E, Date : 29-7-05

Copy forwarded to the Chairman, State Pollution Control Board, Orissa, Bhubaneswar/ Registrar, Orissa High Court, Cuttack for information.


29/7/05
Director, Env. -cum-Spl. Secy. to Govt.

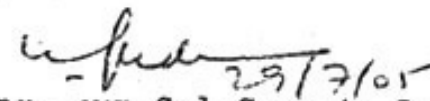
Memo No. 13306/F&E, Date : 29-7-05

Copy forwarded to the Ministry of Environment & Forests, Department of Environment, Government of India, Paryavaran Bhawan, B-Block, C.G.O. Complex, New Delhi-110 003/Chairman, Central Pollution Control Board, East Arjun Nagar, Delhi- 110 032 for information.


29/7/05
Director, Env. -cum-Spl. Secy. to Govt.

Memo No. 13307/F&E, Date : 29-7-05

Copy to Guard File (15 copies).


29/7/05
Director, Env. -cum-Spl. Secy. to Govt.


Sridhar.