

**Madhya Pradesh Water (Prevention and Control of Pollution)
Appeal Rules 1976.¹**

No. 2332-5015-xxxii-76— In exercise of the powers conferred by sub-section (1) and clause (M) of subsection (2) of section 64 read with sub-section (3) of section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (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 Prevention and Control of 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. 1,000.²

4. 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;
- (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 the following form, namely;

"I..... the appellant named in the above memorandum of appeal/his authorised agent do hereby declare that what is stated there in 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-

1. These rules are first published in the Madhya Pradesh Rajpatra dt. 30th July, 1976.

2. As substituted vide notification No F-3437-11-12-87- XXXII Dated 5-7-89

- (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.

(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 there on 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 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 there on 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 1

[See sub - rule 4(3) (a)]

Form of appeal under section 28 of the Water (Prevention and Control of Pollution) Act, 1974, (No 6 of 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 appellatant has been granted consent subject to the conditions mentioned in the consent order in repect of the Plant/Corporation / Municipality/Notified Area Committee noted-bellow:-

- (a) Name of Plant/
Corporation/Municipality/Notified Area Commette
- (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 appellatant relies for the purposes of this appeal are as follows-

(iii) The appellatant, therefore, Prays that:-

*The unreasonable condition No.....

Conditions Nos.....

should be treated as annulled or it/they should be substituted by such other condition/conditions as appears to reasonable.

OR

The unresonable condition No.....conditions Nos to be varied in the following manner;

Dated...

Signature.....

Occupation.....

Address.....

Form of Verification

I.....the appellatant named in the above memorandum of appeal/his authorised agent do hereby declare that what is stated there in is true to the best of my knowledge and belief.

Date.....

Signature.....

Occupation.....

Address.....

FORM-II

[See sub-rule 4 (3) (b)]

Form of appeal under section 28 of Water (Prevention and Control of Pollution)Act, 1974 (No 6 of 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 27 of the Water (Prevention and Control of Pollution)Act, 1974, (No. 6 of 1974).

*The appellatant 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
Notification 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.

The appellatant 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.....

Occution.....

Address.....

date.....

Form of verification

I.....the appellatant named in the above
memorandum of appeal/his authorised agent do hereby declare that what is stated there in is true to the
best of my knowledge and belief.

Singature.....

Occupation.....

Address.....

Dated..