

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 3

#### GOVERNMENT OF GOA

Department of Science, Technology &  
Environment

#### Notification

5-4-88-STE

In exercise of the powers conferred by sub-sections (1) and (2) of section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) (hereinafter called the 'said Act'), the Government of Goa hereby constitutes an Appellate Authority consisting of the President of the Administrative Tribunal, Goa, for the purposes of the said Act, with immediate effect.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary (STE).

Panaji, 19th March, 1997.

#### Notification

5-4-88-STE

In exercise of the powers conferred by sub-sections (1) and (2) of section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) (hereinafter called the 'said Act'), and in supersession of the Government Notification No. 5-4-88-STE dated 13-4-1989 published in the Official Gazette Series I No. 2 the Government of Goa is pleased to constitute an appellate authority consisting of the President of the Administrative Tribunal, Goa, with immediate effect.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary (STE).

Panaji, 19th March, 1997.

#### Notification

5-4-88-STE

In exercise of the powers conferred by sub-section (3) of section 28 read with clause (m) of sub-section (2) of section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), and in consultation with the Goa State Pollution Control Board, the Government of Goa, hereby makes the following rules so as to amend the Goa Water (Prevention and Control of Pollution) Appeal Rules, 1989 namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Water (Prevention and Control of Pollution) Appeal (Amendment) Rules, 1997.

(2) They shall come into force at once.

2. *Amendment of Rule 3:*

In sub-rule (3) of rule 3 of the Goa Water (Prevention and Control of Pollution) Appeal Rules, 1989, in clause (c), for the words and figures "Rs. 200/-", the words and figures "Rs. 1000/-" shall be substituted.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary (STE).

Panaji, 22nd September, 1997.

#### Notification

5-4-88-STE

In exercise of the powers conferred by section 54 read with sub-section (3) of Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), and in consultation with the Goa State Pollution Control

Board, the Government of Goa hereby makes the following rules, namely:—

CHAPTER I  
Preliminary

1. *Short title and commencement.* — (1) These rules may be called the Goa Air (Prevention and Control of Pollution) Appeal Rules, 1997.

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

2. *Definitions.*— In these rules, unless the context otherwise requires;

(a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981);

(b) "appellant" means any person aggrieved by and appealing against an order made by the State Board under Section 21 of the Act;

(c) "Appellate Authority" means an appellate authority constituted by the Government under section 31 of the Act;

(d) "Form " means the form annexed to these rules;

(e), "Government " means the Government of Goa;

(f) "Member Secretary" means the Member Secretary of the State Board;

(g) "Section " and "Sub-section" means the section and the sub-section respectively of the Act;

(h) "State Board" means the Goa State Pollution Control Board constituted under sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974);

(i) Words and expression used in these rules but not defined, shall have the same meanings as assigned to them in the Act.

CHAPTER II

Memorandum of Appeal

3. *Appeal to be filed by aggrieved persons.*— (1) Every appeal against an order passed by the State Board under section 21 of the Act shall be filed by the aggrieved person in Form 'A' if it relates to a matter covered by sub-sections (4) and (6) of section 21.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the 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 and verified by the appellant or his agent duly authorised by the appellant in writing in this behalf.

(b) Every appeal shall be accompanied by —

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

(ii) a copy of the application made under section 21; (as the case)

(iii) any document relevant to the appeal;

(iv) a satisfactory proof of the payment of the fee specified under the rules.

(c) A fee of Rs. 1000/- only shall be deposited by every appellant in the office of the appellate authority and an authenticated copy of the receipt obtained therefor shall be affixed to every appeal. No appeal which is not accompanied by the aforesaid copy of the receipt shall be entertained by the appellate authority.

(4) Every appeal shall be submitted in quadruplicate and shall be presented to the appellate authority either by the appellant or by his authorised agent in person or may be sent to such authority by registered post. When the appeal is presented by an agent duly authorised 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 such agent.

(5) On receipt of the appeal, the appellate authority or any person authorised by it in this behalf, shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it as the case may be.

4. *Procedure to be followed by the appellate authority in dealing with and disposal of the appeal.*— (1) The Appellate Authority shall, as soon as may be, after the appeal is filed before it, fix a date for hearing the appeal and give notice of the same to the appellant and the Member Secretary of the State Board in Form 'B'. While giving such intimation to the Member Secretary, a copy of the appeal together with enclosures received with it, shall also be sent to the Member Secretary, and he shall be called upon to send to the appellate authority all the relevant records connected with the matter.

(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 it deems fit. Such material shall form part of the record, but not in respect of the party other

than that from whom such records has been received unless such other party has been given an opportunity to peruse such record and defend itself against anything contained therein which is detrimental to the interest of that party:

Provided that the Appellate Authority may, pending disposal of an appeal or application, at any stage of the proceedings, stay the execution of the order appealed against;

Provided further that the Appellate Authority shall not stay the execution of the order appealed against without affording the State Board a reasonable opportunity of being heard in the matter.

(3) Where, on the date fixed for hearing or on any date to which the 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 shall be liable to be dismissed.

(4) When an appeal is dismissed under sub-rule (3), the appellant may, within thirty days from the date of dismissal of 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 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. *Order to be in writing.* — 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 thereon, and the reasons for the decision.

6. *Supply of copy of order to the appellant and the State Board.* — A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the Member Secretary of the State Board.

FORM 'A'

[See rule 3 (1)]

Before the Appellate Authority constituted under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981).

Memorandum of appeal of Shri ..... — Appellant  
V/s  
The Goa State Pollution Control Board — Respondent

The appeal of Shri .....  
resident of ..... District .....

.....against the Order No. .... dated .....  
passed by the Goa State Pollution Control Board, showeth as follows:  
(1) Under Section 21/22 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981);

- \* The appellant has been refused Consent.
- \* The Consent has been withdrawn by the State Board.
- \* The Consent has been granted subject to the conditions mentioned in the order passed by the Goa State Pollution Control Board in respect ..... of ..... the ..... Company/Corporation/Municipality/Notified Area Committee etc. noted below:

- (a) name of the Plant/Company/Corporation/ Municipality/ /Notified Area Committee;
- (b) Place;
- (c) Name of the street; and
- (d) 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 the appeal is made).

(4) In the light of what is stated above, the appellant respectfully (a) prayeth that the unreasonable condition(s) imposed should be treated as annulled or it/they should be substituted for such other condition(s) as appears to be reasonable

or  
(b) the unreasonable condition(s) ..... should be varied in the following manner (here mention the manner in which the conditions (s) objected should be revised).

An amount of Rs ..... as fee for this appeal has been paid vide receipt No. .... dated ..... an authenticated copy of which is attached in proof of payment.

Signature of the Appellant

Name (in Block letters):

Occupation:

Address:

Date:

VERIFICATION

I ..... (appellant's name) in the above Memorandum of appeal/or duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature

Name (in Block letters):

Occupation:

Address:

Date:

FORM 'B'

Form of Notice

[see rule 4 (1)]

Before the Appellate Authority constituted under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981).

Shri.....  
(here mention name and address of appellant) —Appellant

V/s

The Goa State Pollution Control Board — Respondent

In the matter of appeal No ..... 199.....filed under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981).

Whereas Shri..... (here mention name and address of the appellant) has filed before the Appellate Authority a Memorandum of Appeal against the order ..... dated..... passed by the Goa State Pollution Control Board under section 21 of the Air (Prevention and Control of Pollution) Act 1981.

And whereas under sub-section (4) of section 31 of the Act, this Authority is required to give the parties an opportunity of being heard.

Now, therefore, please take notice that the Appellate Authority has fixed ..... as the date of hearing of the aforesaid appeal. The hearing shall take place at ..... a.m./p.m., on that date in the office of the State Board at ..... You are hereby called upon to appear before the Appellate Authority at the appointed time and date, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the day of hearing either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of the Appellate Authority will make your appeal liable to be dismissed or decided ex-parte.

Given under the hand and seal of the Appellate Authority at .....

\* Delete whatever is not applicable.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director and Joint Secretary (STE).

Panaji, 23rd September, 1997.