



TAMIL NADU POLLUTION CONTROL BOARD

Circular Memo No.: TNPCCB/LAW/GENERAL CIRCULAR/2021 DT: 03.02.2021

Sub: TNPCCB – Law Section - Regarding the jurisdiction of Hon'ble Appellate Authority & Hon'ble National Green Tribunal – For perceiving - Regarding

Hon'ble Appellate Authority constituted under Section 28 (1) of the Water (P&PC) Act, 1974 & under Section 31(1) of the Air (P&CP) Act can entertain appeals preferred by the industries

- a. Against the order of the Tamil Nadu Pollution Control Board issued under Section 25 & Section 26 (Restrictions on new outlets and new discharges:-Consent of the Board for the establishment / operation of any industry and for discharge of sewage / trade effluent into any stream or well or sewer or on land or into marine coastal areas to be obtained) and Section 27 (Refusal or withdrawal of consent by State Board:- Empowers the Board for Refusal or withdrawal of consent to any industry) of Water (Prevention and Control of Pollution) Act, 1974, as amended in 1988
- b. Against any orders issued under Air (Prevention and Control of Pollution) Act, 1981 as amended in 1987.

The National Green Tribunal constituted under the National Green Tribunal Act 2010 is empowered to allow applications against the order or decision made on or after the commencement of National Green Tribunal Act, 2010

- (i) By the Appellate Authority under Section 28 of the Water (P &CP) act, 1974
- (ii) By the State Government under Section 29 of the Water (P&CP) Act, 1974 (Section 29 - Empowers the State Government to pass order on any orders passed by the Board).
- (iii) By the Board under Section 33A of the Water (P&CP) Act, 1974 (Section 33A - Empowers the Board to issue directions for closure of the industry or for stoppage of electricity, water supply or any other service.)
- (iv) By the Appellate Authority under Section 31A of the Air (P&CP) Act, 1981 (Section 31A - Empowers the Board to issue direction for closure, prohibition or regulation of any industry, operation or process or the stoppage or regulation of supply of electricity, water or any other service.)
- (v) By the Appellate Authority under Section 13 of the Water (P&CP) Cess Act, 1977.

- (vi) Under Section 5 of the Environment Protection Act, 1986
(Section 5 - Powers to give directions.- Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions Explanation – For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct – (a) the closure, prohibition or regulation of any industry, operation or process; or (b) stoppage or regulation of the supply of electricity or water or any other service.)

G. G. G. G. G. G.
For MEMBER SECRETARY

11.veds
4.2.2021

To

1. All DEEs/TNPCB
2. All JCEE(M)/TNPCB
3. All HODs/TNPCB/Corporate Office
4. OCMMS Section

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