

---

**HARYANA STATE POLLUTION CONTROL BOARD****C-11 Sector-6, Panchkula****Ph – 0172- 577870-73, Fax No. 2581201****E-mail- hspcbho@gmail.com****Website: hspcb.gov.in**

---

**ORDER**

Whereas, Government of Haryana has notified the rules i.e. Haryana Water (Prevention and Control of Pollution) Rules, 1978 (as amended) (hereinafter referred to as Water Rules) and Haryana Air (Prevention and Control of Pollution) Rules, 1983 (as amended) (hereinafter referred to as Air Rules) as per provisions of Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as Water Act) and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as Air Act), respectively;

Whereas, Board vide orders endst no. HSPCB/PLG-142/2016/5371-5395 dated 24.02.2016 had issued the inspection policy (as amended) containing procedure of inspection and sampling of various industrial sectors/ nonindustrial sectors/units (hereinafter referred to as units) covered under consent management of the Board and units operating without obtaining mandatory consent of the Board;

Whereas, vide office order endst no. HSPCB/PLG/2018/2599 dated 05.12.2018, it had been ordered that all the Regional Officers will not issue more than one show cause notice to the defaulting units in future and copy of show cause issued by them will be sent to Head Office. The show cause notice will dispose off immediately after the expiry of period of same, based on submission of the reply by the units in response to show cause notice. Regional Officer will dispose off the show cause notice by passing a speaking order clearly indicating the merits of the case regarding acceptance /rejection or non submission of the reply submitted by the units with a copy of the decision to Head Office.

Whereas, vide endst no. HSPCB/PLG/2018/1074-1100 dated 22.05.2018, it had been ordered that no permission of head office will be required to re-seal the units which were closed and sealed by the Board but found broken the seal and/or operating illegally in violation of closure orders issued by the Board under various Environmental Acts. Regional Office shall re-seal such units at their level in reference to the standing closure orders after following the due procedure and collecting the necessary evidence to prove the violation made by such unit for filing prosecution case against such units and persons/directors responsible for its day to day working / activities for above violations.

Whereas Board vide orders endst no. HSPCB/PLG/2019/380-402 dated 16.09.2019 had issued the procedure of review/withdrawal/cancellation of consent to operate of non complying units under Water Act, 1974 and Air Act, 1981.

Whereas, vide letter no. HSPCB/PLG/2020/1234-1259 dated 21.01.2020 all the Regional Officers of the Board were asked to follow provisions of Air Rules, 1983 and inspection policy of the Board regarding legal sampling as well as orders regarding prosecution action against defaulting units, issued from time to time

Whereas, following instructions were issued by Board vide letter no. HSPCB/PLG/2020/1171-1198 dated 18.06.2020 (i) That 15 days show cause notice shall be given to the unit, as per standard Performa of show cause notices circulated vide Head Office letter no. HSPCB/2018/2661-2682 dated 13.12.2018. In case, if there is any threat to environment, immediate closure action be taken as per orders dated 23.08.2005 and as amended vide order dated 19.03.2020 (ii) That 15 days time period to give the reply of show cause notice shall be counted from date of email sent to the unit as registered in the general

details on the HROCMMS online portal of HSPCB (iii) It will be ensured that annexure if any to be sent with show cause notice shall be attached in the email with due care.

Whereas, Competent Authority in some cases has observed that the provisions of above said orders/directions is not being followed in letter and spirit by Regional Officers and resultantly, number of times the officer of the Board constraint to face awkward situations before legal forum i.e. Courts/Tribunals established by rule of law;

Whereas, the matter was examined in the officers meeting held on 03.06.2021, wherein it has been decided to issue consolidated directions.

Therefore, in view of above and in super-session of relevant clause of this office orders endst. no. HSPCB/PLG/2018/2599 dated 05.12.2018, orders endst. no. HSPCB/PLG/2018/1074-1100 dated 22.05.2018, letter no. HSPCB/PLG/2020/1234-1259 dated 21.01.2020, and letter no. HSPCB/PLG/2020/1171-1198 dated 18.06.2020, it is hereby ordered that;

- i. Regional Officers shall follow provisions of Water Rules, 1978 and Air Rules, 1983 and inspection policy of the Board issued vide order dated 24.02.2016 (as amended thereof). Further, the inspections and sampling of the units covered under consent management of the Board and units operating without obtaining mandatory consent of the Board shall be carried out strictly as per the provisions of Water Act, 1974, Air Act, 1981 and inspection policy of the Board.
- ii. The inspecting officer shall fill up all columns of inspection report and sampling Performa with specific and relevant details and shall also indicate the longitude and latitude of unit upto eight decimal points in inspection report and sampling Performa, while conducting inspection. Further, the inspecting Officer shall prepare presence certificate and issue notice of intention alongwith all required sampling Performas as per Section 21 of the Water Act/Section 26 of the Air Act and/or Water Rules/Air Rules/policies of the Board. All Regional Officers shall ensure that all columns of inspection report and sampling Performa are filled up properly.
- iii. Regional Officer shall issue the show cause notice of 15 days to the unit on standard Performa of show cause notices circulated by Head Office vide Head Office letter no. HSPCB/2018/2661-2682 dated 13.12.2018. In show cause notice, Regional Officer shall clearly indicate the deficiencies and/or observations in consonance with the inspection report as well as the record pertaining to the unit. In case, if there is any threat to environment, immediate action is required to be taken as per orders dated 23.08.2005 and as amended vide order dated 19.03.2020, subject to clearly mentioning the reasons therein, in the well reasoned speaking order.
- iv. In future, Regional Officers shall not issue more than one show cause notice along with copy to Head Office to the defaulting units, without acting upon the first show cause notice or providing detailed reason for failure of any action upon the first show cause notice. Further, Regional officer shall ensure to take up all the deficiencies in the Show Cause Notice rather than to issue separate Show Cause Notice for several deficiencies.
- v. Regional Officers shall serve show cause notices upon the unit through registered post with AD and through email, at the email address registered in the general details on the HROCMMS online portal of HSPCB. In case of failure to serve the Show Cause Notice through E-mail and registered post upon the unit, Regional Officer shall serve Show Cause Notice through special messenger and by pasting on gate/premises of unit.
- vi. The time period of 15 days for submission of reply of show cause notice shall be counted from date of email sent to the unit at email address registered in the general

W699458/2021/IT\_Cell

details on the HROCMMS online portal of HSPCB or date of receipt of registered post available on online portal of Department of Posts, Government of India or date of receipt obtained by hand by special messenger. In case there is holiday/ Sunday on the prefix and/or suffix day of issuing show cause notice and/or receipt of reply of show cause notice, then same shall not be taken in account for calculating number of days of show cause notice.

- vii. Regional Officers shall dispose of the show cause notice immediately after the expiry of period of show cause notice. In case any reply is submitted by the unit, then Regional Officer shall pass a speaking order in an annotated form by indicating the deficiencies/ observations conveyed through show cause notice and reply submitted by unit based on merits of the case regarding acceptance /rejection of same. In case reply not submitted by such units, then same shall also be mentioned in speaking order. The Regional Officer shall send a copy of the speaking order to Head Office with recommendation. In case reply received after expiry of period of show cause notice, before or after sending recommendations for taking action then same shall also be disposed of by passing speaking order clearly indicating merits of case.
- viii. Regional Officers will send the proof of dispatch of show cause notice (Email/postal receipt/courier receipt/receipt by representative of unit) along with all the cases such as recommendation of closure/withdrawal of CTO/Prosecution/EC.

In case of failure to adhere to above said directions, it will be viewed seriously and disciplinary action will be initiated against defaulting officers as per HSPCB Service Regulations (as amended) without any further opportunity of reply on their lapses.

These orders shall come in to force with immediate effect.

**Dated Panchkula, the  
19<sup>th</sup> August, 2021**

**S. Narayanan, IFS  
Member Secretary**

**Endst. No.**

**Date: 23/08/2021**

A copy of the above is forwarded to the following for information and necessary action:-

1. All Branch In-charges in Head Office.
2. All Regional Officer in the field.
3. PS to Chairman.
4. PA to Member Secretary.
5. Branch In-charge-IT Cell for uploading the order on the website of the Board.

**#ApprovedbyDesignation# (PLG)  
For Member Secretary**