

The Air (Prevention and Control of Pollution) Appellate Authority Rules, 1999

In exercise of the powers conferred by section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), read with section 31 thereof, the Government of Kerala hereby make the following rules, namely: -

1. Short title and commencement

- (1) These rules may be called Air (Prevention and Control of Pollution) Appellate Authority Rules, 1999.
- (2) They shall come into force at once

2. Definition:- In these rules, unless the context otherwise requires -

- 1) "Act" means the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981);
- 2) "Appellate Authority" means the Appellate Authority constituted under sub-section (1) of section 31 of the Act;
- 3) "Board" means the State Board constituted under section 4 of the Act;
- 4) "Chairman" means the Chairman of the Authority;
- 5) "Interlocutory Application" means an application to the Authority in any appeal or proceedings already instituted before the Authority;
- 6) "Rules" means the rules framed under the Act;
- 7) "Secretary" means the person who is for the time being discharging the functions of the Secretary to the Authority;
- 8) "State Representative" means an Officer appointed by the State Government to receive on their behalf notices and orders issued by the Authority and generally to appear, act and plead before the Authority on behalf of the State and includes an Officer appointed to act on his behalf in his absence.

Note: All the words and expressions used herein and defined in the Act and the Rules and not herein before defined shall be deemed to have the meanings respectively attributed to them in the Act and the Rules.

3. Appellate Authority

- (1) Appellate Authority shall consist of the following members, namely: -
 - (a) a Judicial Officer not below the rank of a District Judge who shall be the Chairman of the Appellate Authority.
 - (b) an Administrator who shall be an Officer not below the rank of Joint Secretary to Government;
 - (c) a Technical Officer not below the rank of Chief Engineer / Superintending Engineer.

4. Headquarters

The Headquarters of the Appellate Authority shall be at Thiruvananthapuram.

5. Places of Hearing

All Appeals and applications shall ordinarily be heard at the Headquarters:
Provided that the Chairman may decide whether any appeal or application shall be heard at any other place in the State of Kerala.

6. Office hours etc

The Office of the Appellate Authority shall observe the same office hours and holidays as other Public Offices of the State.

7. Appeals

- (1) Every appeal to the Appellate Authority shall be in the form appended to these rules and shall be accompanied by, -
 - (i) the original order appealed against or a certified copy thereof,
 - (ii) a chalan receipt evidencing the payment of a sum of Rs.1,000/- (Rupees One thousand only) as fees in favour of the Authority.Provided that every memo of appeal and petition shall be in quadruplicate and the memo of appeal shall be accompanied by four copies, one of which shall be the certified copy of the order appealed against.

8. Presentation of Appeal

The appeal shall be presented either personally or by registered post to the Secretary to the Appellate Authority.

9. Appearance etc

Any appearance or application made or act done before or to the Appellate Authority, which is required or authorised by law to be made or done by a party may, except where otherwise provided be made or done by the party in person or by his recognised agent or by a pleader on his behalf.

10. Interlocutory Applications

The cause title of the proceedings in the Appeal Memorandum shall be given as the heading in all interlocutory applications.

11. Powers of Appellate Authority

The Appellate Authority shall have the power to call for the records relating to the original order of the Board and such other document as that authority considers necessary for the examination of the appeal.

12. Order of the Appellate Authority to be communicated

The order of the Appellate Authority shall be communicated to the Appellant, Respondent and to the Board. A fee of Rs.2 per page of the judgement shall be levied from the Appellant.