



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ

Karnataka State Pollution Control Board

"ಪರಿಸರ ಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಭಾರತ
"Parisara Bhavan", 1st to 5th Floor, # 49, Church Street, Bangalore - 560 001, Karnataka State, India

No: PCB/798/COC/2016-17/2022/ 5916

Dated:

05 FEB 2022

CIRCULAR

Subject –Legal opinion on consent validity period under Water & Air Act.

- Ref: 1. Proceedings of the 234th Board Meeting held on 22.10.2021.
2. Opinion from the Legal Officer of Legal Cell, KSPCB.
3. Board Office Circular No: 4672 Dated: 14.12.2021

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Government of Karnataka vide its Notification dated 12.11.2020, 26.10.2021 has revised the consent fee structure under Water Rules and Air Rules. Board office has already issued a circular regarding guidelines for implementation of Government Notifications dated 12.11.2020 and 26.10.2021 w.r.t. Consent fee under Water Rules and Air Rules vide(ref 3).

Further, a subject was also placed in the 234th Board Meeting held on 22.10.2021 to accept the request of the industry to pay the Consent fee only for the operating period instead of mandatory period.

"The Board after detailed deliberation permitted the Board to accept the consent fees based on the request made by the industry, on case to case basis, to consider the consent fees and applications for specific period, after Government accepts the same. Further, Board has also recommended to provide flexibility to the industry on a special request for obtaining consent for lesser period for which industry has sought after obtaining legal opinion w.r.t. directions issued by CPCB under Section 18(1)(b) of the Water Act for harmonizing the validity period of consent."

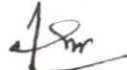
Hence, the file was referred to legal cell for opinion and the Chairman, Legal Advisory Committee has opined as follows:

"There lays no embargo upon the Board to take its decision as per its Board Meeting number 234 dated: 16.11.2021 No: 4087". **Copy of the legal opinion is enclosed**

Based on the Board proceedings Legal Advisory Committee opinion, the RO's are informed to accept the applications of industry/organization on case to case basis, where specific request is made by the applicant and the due diligence of each request is verified carefully and the request shall be forwarded to Board office to take further decision. This opportunity/provision is valid only for existing operating industries and Board Office after receiving the request of the industry along with the Regional Officers report. The decision will be as follows;

- Board office will issue endorsement for issue of Consent as applicable to Green category industries to respective Regional Officer and for Orange category industries to respective Zonal SEOs to dispose the applications based on their delegation of powers.
- Issue of Consent for a specific period, as requested by the industry, in respect of Red category industries shall be taken at the Board office based on delegation of powers.

This is issued without prejudice to the CPCB directions issued under Section 18(1)(b) of the Water Act for harmonizing the validity period of consent.


Member Secretary
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To

**All the Regional Officers,
All RSEO's
All section heads at Head office**

Copy to,

1. TO to Chairman for information.
2. PA to Member Secretary for information.
3. CFO for information.
4. Legal Officer for information and necessary action.
5. CAO for information
6. Office file.


Member Secretary
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