



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

Maharashtra Water Resources Regulatory Authority (MWRRA)

9th Floor, Centre-1, World Trade Centre, Cuffie Parade, Mumbai - 400005. Tel.: 2215 2019 Fax.: 2215 3765 E-mail: mwrta@mwrta.org

No. MWRRA/legal/2015/Case No 13 of 2015/703

Date: 25/11/2015

CASE NO.13 OF 2015

In the Matter of
Review of MWRRA's Order dated 27/10/2015 regarding releasing water
from Kukadi Complex into Ghod Dam.

Please find herewith a copy of MWRRA Order dated 25/11/2015 in the
matter.

Encl : As above


(Dr. Suresh Kulkarni)
Secretary

Copy for information and necessary action to:

1. Secretary, (WRM & CAD) Water Resources Department, Madam Kama Marg, Hutatma Rajguru Chawk, Mantralaya, Mumbai - 400032.
2. Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barane Road, Mangalwar Peth, Pune 411 011.
3. Chief Engineer, (Specified Project), Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 411 011.
4. Superintending Engineer & Administrator, CADA, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune 411 011.
5. The Collector, Collectorate Office, Vidhan Bhavan, New Building, Bund Garden, Pune - 411001.
6. The Collector, Collectorate Office, College Area, Ahmednagar - 414001.

Copy for information to:

1. Shri. Rajendra Shivaji Rao Nagawade, At Post Wangdari, Taluka Shrigonda, District - Ahmednagar & Shri. Shrinivas Baburao Ghadge, At Post Inamgaon, Taluka Shirur, District - Pune through Advocate S R Palande, Lawyers Chamber No A-1, District Court Campus, Shivajinagar, Pune 411005.
2. Shri. Babanrao Pachpute, Ex. Minister, Mauli Nivas, Shringonda, District Ahmednagar 413701.
3. Shri. Vijay Bhaskarrao Auti, MLA, Parner. At Post Parner, District Ahmednagar 414302.
4. Shri. Sharaddada Sonavane, MLA, Junnar, Raigad, Chalakwadi (Pimpalvandi), Taluka Junnar, District Pune 412412.
5. Shri. Dilip Dattaraya Valse Patil, MLA, Ambegaon, 14 River View Apartment II, Pune Nagar Road, Yervada, Pune 411006.
6. Shri Devdatta Jayantrao Nikam, Chairman, Bhimashankar Sahakari Sakhar Karkhana Ltd, Pargaon, Taluka Aambegaon, District Pune 410504. Through Advocate Samrat Shinde.
7. Shri. Narayan Govindrao Patil, MLA, Karmala
8. Shri. Rahul Jagtap MLA, Shrigonda



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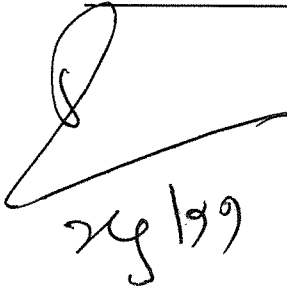
The Executive Director,
Maharashtra Krishna Valley Development Corporation,
Sinchan Bhavan, Barane Road, Mangalwar Peth, Pune 411 011.

..... Petitioner

Verses

1. Shri. Rajendra Shivaji Rao Nagawade, At Post Wangdari, Taluka Shrigonda, District - Ahmednagar & Shri. Shrinivas Baburao Ghadge, At Post Inamgaon, Taluka Shirur, District - Pune through Advocate S R Palande, Lawyers Chamber No A-1, District Court Campus, Shivajinagar, Pune 411005.
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6. Shri Devdatta Jayantrao Nikam, Chairman, Bhimashankar Sahakari Sakhar Karkhana Ltd, Pargaon, Taluka Aambegaon, District Pune 410504.

..... Respondents


24/1/15



ORDER

CORAM : Smt. CHITKALA ZUTSHI, MEMBER (Economy)
Shri. S.V.SODAL, MEMBER (Engineering)


Date: 25 November 2015

An Application was received from Executive Director (ED), Maharashtra Krishna Valley Development Corporation (MKVDC), Pune for Review of MWRRA's Order dated 27/10/2015 regarding releasing water from Kukadi Complex into Ghod Dam on various issues mentioned in his application. The main issues raised in the application are,

- a) Kukadi project & 66 K T weirs and Ghod project each has an individual existence, administrative approval, its own dependability of yield, water use & own cropping pattern. Therefore these projects should not be clubbed together with Kukadi project for calculating percentage of utilizable water.
- b) Available percentage of utilizable water including Kharif use as on 15/10/2015 is mainly dependent on yield received at Dam site. This is calculated from Dam storage and water use. The consideration in the award based on storage as on 15/10/2015 was incorrect. It should have been based on actual yield received in each dam site.
- c) There are no Government Resolutions (GR) which substantiates the definitions of Scarcity & Distress. The MKVDC, Pune is of the opinion that it is prerogative of Government to define Scarcity and Distress by way of Rules or GR
- d) Practical difficulty to apply 20% cut to Rabi.

2 Hearing on 24/11/2015

- a) During the hearing, the following stakeholders were present.
 - i) Shri. Narayan Govindrao Patil, MLA, Karmala


24/11/15



- ii) Shri. Rahul Jagtap MLA, Shrigonda
- b) The ED, MKVDC, Pune's Advocate briefed the Authority about the background of application. He has proposed a review of the MWWRA's order 27/10/2015 for release from Dimbhe dam & Yedgaon dam on the basis of issues raised.
- c) Advocate Palande and Advocate of Shri. Devdatta Nikam strongly objected to the hearing of the review of MWRRA's Order dated 27/10/2015 regarding releasing water from Kukadi Complex into Ghod Dam on the ground that there is stay given for release of water till 17/11/2015 by the Hon'ble High Court at Mumbai on 05/11/2015. The matter was again heard by the Hon'ble High Court on 17/11/2015, wherein stay was further continued till 16/03/2016.

3. Analysis with Reasons and Direction

The Hon'ble High Court has directed in its order dated 05/11/2015 in the Civil Writ Petition (St.) 30771 of 2015 filed by Shri. Devdatta Nikam as under,


2. *In the communication dated 31/10/2015 it is informed to the Collector, Police Superintendent and Chief Engineer that the water shall be released on 16/11/2015 or thereafter, from Dimbhe and Yedgaon dams.*
3. *In view of this put up this matter on 17/11/2015 and till then the water shall not be released*

Further this matter was again heard on 17/11/2015 and following order was issued and next date of hearing was given as 16/03/2016.

"..

If in any of the above matters, ad-interim relief or interim relief is operative till today, the same will continue to operate till the respective next dates. If ad-interim relief is not granted for a limited period, the said orders will remain unaffected."

The Hon'ble High Court has stayed the release of water from Dimbhe dam (18 Mm³) and Yedgaon dam (27 Mm³) as per the MWRRA's Order dated 27/10/2015.


24/11



We feel the present review application cannot be entertained in view of the above mentioned stay order.

The application for review of MWRRA Order dated 27/10/2015 is hereby dismissed.

Sd/-

(ChitkalaZutshi)
Member (Economy)

Sd/-

(S.V. Sodal)
Member (Engineering)


(Dr. Suresh Kulkarni)
Secretary

