



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण Maharashtra Water Resources Regulatory Authority (MWRRA)

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

No.MWRRA/2017/Legal/Case No.2 of 2017/264

Date : 08/06/2017

Case No 2 of 2017

In the matter of

Releasing water in the Bhima River from the Ujjani Reservoir

Please find herewith a copy of MWRRA Order dated 08/06/2017 in the above matter.

Encl : As above


(Dr. Suresh Kulkarni)
Secretary

Copy for information and necessary action to:

1. Adv. Abhijit Deshmukh & Adv. Pandurang Gaikwad (Patil), A.A.W.I., Room No. 18, Gr. Floor, High Court, Fort, Mumbai - 400 032 for *Shri. Paradeep G. Kale & others*
2. Secretary (WRM & CAD), WRD, Mantralaya, Mumbai-400 032
3. Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune 411 011.
4. Chief Engineer (SP), Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 411 011.
5. Chief Engineer (I), Water Resources Dept. Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 411 011.
6. Collector, Main Building, Siddheshwar Peth, Solapur - 413003.

7. Municipal Commissioner, Solapur Municipal Corporation, Indrabhuvan, Ambedkar Chowk, Railway lines, Solapur - 413001.
8. Executive Engineer, Ujjani Dam Management Division, Bhimanagar, Taluka Madha, District Solapur - 413 212.



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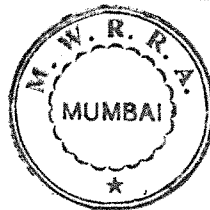
Applicants :

- 1) Pradeep G. Kale
 - 2) Ankush V. Kale
 - 3) Arvind N. Jagtap
 - 4) Dinkar K. Devkar, all R/o Indapur, Dist - Pune; &
 - 5) Dagdu B Kapse R/o Autewadi, Tal. Karjat, Dist - Ahmednagar,
- All through Adv. Abhijit Deshmukh & Adv. Pandurang Gaikwad

Versus

Respondents :

- 1) Secretary (WRM & CAD), Water Resources Department, Mantralaya, Mumbai - 400 032.
- 2) Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune 411 011.
- 3) Chief Engineer (SP), Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 411 011.
- 4) Chief Engineer (WR), Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 411 011.
- 5) Collector, Main Building, Siddheshwar Peth, Solapur - 413003.
- 6) Municipal Commissioner, Solapur Municipal Corporation, Indrabhuvan, Ambedkar Chowk, Railway lines, Solapur - 413001.
- 7) Executive Engineer, Ujjani Dam Management Division, Bhimanagar, Taluka Madha, District Solapur - 413 212.



CORAM : SHRI K. P. BAKSHI, CHAIRMAN

SHRI. V. M. KULKARNI, MEMBER (W.R. ENGG.)

Date : 8th June 2017

ORDER

An application was filed by Adv. Abhijit Deshmukh & Adv. P. H. Gaikwad (Patil) on behalf of Applicants on May 9, 2017. The Applicants challenged the decision of April 25, 2017 taken by the Canal Advisory Committee for Ujjani Project in its meeting for Hot Weather Irrigation program of 2016-17. The said decision is regarding release of 5 TMC water from Ujjani reservoir into Bhima River for Solapur Municipal Corporation. The Appellants contention is that the decision of the Canal Advisory Committee is in violation of the directions issued by MWRRA in Case No. 16 of 2015 dated January 6, 2016.

Accordingly, the Authority conducted a hearing on June 6, 2017. The following were present for the hearing;

Applicants

1. Shri. Pravin G. Kale
2. Shri. Dagdu B. Kapase
3. Adv. P. H. Gaikwad (Patil) representing the Applicants

Respondents

1. Shri. S. K. Chougule, SE & Administrator, CADA, Solapur
2. Shri. M. I. Dharane, SE & DS (MP-2), WRD, Mantralaya, Mumbai
3. Shri. A. P. Sonewar, EE, Ujjani Dam Management Division, Bhimanagar, Dist - Solapur
4. Adv. D. G. Dhanure representing Solapur Municipal Corporation, Solapur.





Adv. D. G. Dhanure submitted his Vakalatnama which empowers him to plead on behalf of the Solapur Municipal Corporation.

To begin with, the Authority pointed out that the application is silent about the *locus standi* of the applicant and gave an opportunity to prove the same. The Authority also made available the copy of Maharashtra Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013.

The Advocate for Applicants could not substantiate *locus standi*. He requested to grant seven days period for providing necessary testimony after taking instructions from his clients.

However, the admissibility of the application primarily depends on *locus standi*. The Applicant could not establish its *locus standi* even after giving an opportunity. After scrutiny of the application, the Authority came to conclusion that the Applicant is not eligible to file petition before the Authority as per provisions in Section 11 (2) of Maharashtra Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013 and hence, the Authority denied admission of the present application on grounds of *locus standi* with a liberty to file a fresh application with necessary testimonials in support of *locus standi*.


With the above finding, the application stands disposed.

Sd/-

(V. M. Kulkarni)
Member (W. R. Engg.)

Sd/-

(K. P. Bakshi)
Chairman


(Dr. Suresh Kulkarni)
Secretary



