



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

Case No. 1 of 2014

In the matter of Supply of Water to
Jayakwadi Reservoir from upstream Reservoirs towards
Equitable Distribution of Water in the Godavari Basin

In pursuance of Bombay High court order dated 31/10/2013
with the direction

*"except for drinking purpose there would be no release of water from Darna
and Gangapur Dam until further orders and for irrigation purpose water
would be released through canal and not through river bed"*

and also

In pursuance of Bombay High court order dated 5/11/2013 with the
direction

*"the respondents are restrained from releasing the water from Mula and
Bhandardhara dams, expect for the drinking and irrigation purposes through
the canal and not through river bed"*

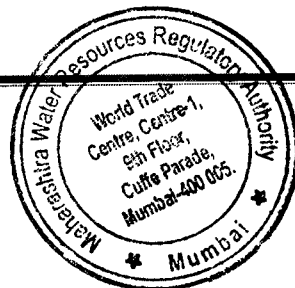
and also

In pursuance of Bombay High court order dated 5/5/2014 with the direction
contained in its Para 11

Shri Prashant Bansilal Bumb (MLA),
Plot No. 3-B, Chabada Building,
Opposite Gurudwara, Sindhi Colony,
Jalna Road, Aurangabad - 431 005
Through his Advocate
Shri Mangal BhandariPetitioner

Versus

The Principal Secretary (WRM & CAD),
Water Resources Department,
Madam Kama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai - 400032.....Respondent

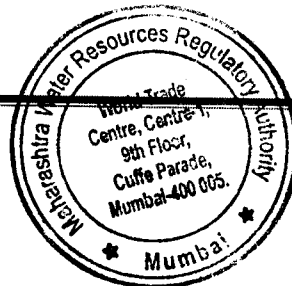


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1. Karbhari Maruti Agwan & Shri Sachin Ramrao Rohmare,
c/o Advocate B.T.Bhawar, At Post Kopargaon (Dist. Ahmednagar)
..... Representer No.1
2. Vishwasrao Laxmanrao Aher & Balasaheb Deoram Ghumare
c/o Advocate B.T.Bhawar, At Post Kopargaon (Dist.Ahmednagar)
..... Representer No.2
3. Abhijit Durgadasrao (Joshi) Dhanorkar, R/o. Krushisarathi Colony,
Basmat Road, Parbhani Representer No.3
4. The Executive Director, Padamshree Dr. Vitthalrao Vikhe Patil
Sahakari Sakhar Kharkhana Limited, R/o. Pravaranagar - 413 712,
Tal. Rahata, Dist. - Ahmednagar Representer No.4
5. Shri Ravindra Parvat Dhawane, R/o Loni (Budruk) Pravaranagar,
Tal. Rahata, Dist. Ahmednagar Representer No.5
6. The Sanjivani (Takali) Sahakari Sakhar Karkhana Ltd at Sahjanand
Nagar through Advocate Pramod N. Patil, 8-B, 2nd Floor, 35 Ambalal
Doshi Marg, Opp.Hamam House, Fort, Mumbai - 400 023
.....Caveator No.1
7. Sanjay Daulatrao Hon through Advocate Pramod N. Patil, 8-B, 2nd
Floor, 35 Ambalal Doshi Marg, Opp.Hamam House, Fort, Mumbai -
400 23. Caveator No.2
8. i) Vishwasrao S/o Laxman Aher ii) Balasaheb S/o Devram Ghumre iii)
Karbhari S/o Pandharinath Jadhav, through Advocate Shri. Kamlesh P.
Mali, C/o.Shri Ranjit A. Thorat, 102, Rehman House, Nadirshah Sukhia
Street, Behind Mahesh Lunch Home, Fort, Mumbai - 400 001
..... Caveator No.3
9. i) Machindra S/o Tukaram Rohmare ii) Kakasaheb S/o Raibhan Jawale
iii) Karbhari S/o Maruti Agwan iv) Balasaheb S/o Appasaheb Barhate
v)Sachin S/o Ramrao Rohmare through Advocate Shri. Kamlesh P.
Mali C/o.Shri Ranjit A. Thorat 102, Rehman House, Nadirshah Sukhia
Street, Behind Mahesh Lunch Home, Fort, Mumbai - 400 001
..... Caveator No.4



10. Dashrath Vithoba Pise through Advocate Umesh D. Latmale, A. N. Complex, Statue Karmavir Chowk, Ward No. 1, Behind Ram Zerox, Shrirampur - 413 709, Tal - Shrirampur, Dist - Ahmednagar
..... Caveator No.5
11. Bhausaheb Vitthal Dound through Advocate Umesh D. Latmale, A. N. Complex, Statue Karmavir Chowk, Ward No. 1, Behind Ram Zerox, Shrirampur, Pin- 413 709, Tal - Shrirampur, Dist - Ahmednagar
.....Caveater No.6
12. Ashok Sahakari Sakhar Karkhana Ltd through Advocate Umesh D. Latmale, A. N. Complex, Statue Karmavir Chowk, Behind Ram Zerox, Shrirampur, Ward No. 1, Pin - 413709, Tal-Shrirampur, Dist. - Ahmednagar Caveator No.7
13. Godavari Kalave Pani Bachav Sangharsh Samiti, C/o Rajendra Bhimaji Bavake, At Post- Sakuri, Tal-Rahata, Dist. - Ahmednagar, - 423 107
..... Intervener
14. Shri. Y. R. Jadhav, Ramayan, Visawanagar. Nanded 431602.
..... Intervener

CORAM: RAVI B. BUDHIRAJA, CHAIRMAN
CHITKALA ZUTSHI, MEMBER (W.R. ECONOMY) &, S.V.SODAL, MEMBER (W.R. ENGINEERING)

DATE: MAY. 28, 2014

ORDER

The Hon'ble High Court of Judicature, Bombay in its order dated the May 5, 2014 directed (vide para 11) the Maharashtra Water Resources Regulatory Authority (MWRRA) in the matter of PIL No. 173 of 2013 filed by the Marathwada Janata Vikas Parishad & others seeking equitable distribution of water and also challenging certain provisions of the Maharashtra Water Resources Regulatory Authority Act (MWRA Act) and the Maharashtra Water Resources Regulatory Authority (Allocation and Monitoring of Entitlement, Disputes and Appeals and other matters) Rules 2013 (Rules-2013) as under :-



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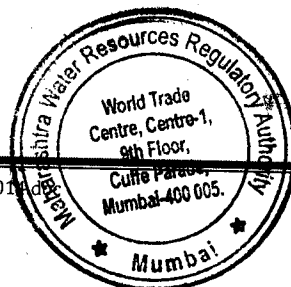
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"In the meantime or thereafter, it will be open to the Regulatory Authority to give appropriate directions to the State Government and other authorities for releasing water from all concerned dams after two weeks from today in such quantity, for such period and in such manner as the Authority considers it appropriate. For such interim arrangement, if any of the parties wants to submit any representation to the Regulatory Authority, it shall be done within one week from today (such written requirement regarding interim arrangement of a party shall not exceed four pages in double spaces). It is further made clear that the Regulatory Authority is not required to give an opportunity of personal hearing to the parties to decide the interim arrangement unless it requires some clarifications / assistance".

2.0 Accordingly, the MWRRA issued notice to the Petitioner, Respondent, interveners, and the individuals / institutions who have submitted representations in pursuance to the direction of the Hon'ble High Court, Bombay to give an opportunity of personal hearing with a view to keep transparency in the proceedings of the matter, on May 23, 2014 at 16:00 hrs in the office of MWRRA at Mumbai to decide the issue of release of water from upstream reservoirs to Jayakwadi reservoir.

3.0 Proceedings of the said hearing in brief are recorded as under :

3.1 The substance of representation of S/Shri Karbhari Maruti Agwan & Sachin Ramrao Rohmare is that the project planning of Jayakwadi Project does not envisage any provision for hot weather irrigation. The presently available storage in Jayakwadi reservoir is enough to cater for drinking and industrial requirements of water for one year. As such, they prayed that applications / representations in favour of releasing water from upstream reservoirs into the Jayakwadi reservoir in the Godavari river bed be rejected.



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3.2 S/S Vishwasrao Laxmanrao Aher & Balasaheb Deoram Ghumare, pleaded that water available in reservoirs upstream of Jayakwadi in Nashik district is reserved for drinking and allied purpose. If it is released from upstream reservoirs through river bed it will never reach Jayakwadi reservoir due to transmission loss. They further pleaded that their area is allotted water for perennial irrigation blocks since time of Britishers and these permission are still continuing. Large tracts of land of the applicants' families were taken away under the Maharashtra Agricultural Lands (Ceiling and Holdings) ^{Act} 1961 presuming that their holdings would continue to be irrigated. If their irrigation guarantee is now withdrawn, they will be put to a loss.

3.3 Abhijit Durgadasrao (Joshi) Dhanorkar submitted that during the year 2013, the Jayakwadi Project did not cater for a single rotation owing to the shortage of water. In spite of the Hon'ble Minister's declaration for 5 TMC of water to be released for Jayakwadi nothing could materialize. The life of farmers in Marathwada is dependent on Jayakwadi water. There is acute need of at least one rotation for hot weather before May 2014 end and the Authority may direct release of 3 TMC water for drinking and 5 TMC for hot weather irrigation.

3.4 On behalf of Padamashree Vikhe Patil Sahakari Sakhar Karkhana (Pravaranagar), it is argued that the Maharashtra Management of Irrigation Systems by Farmers Act, 2005 advocates the equitable distribution of water for the entire State. It is not understandable why its enforcement is restricted to the Godavari basin which is already water deficit. It was pointed out by the consultant of the Sugar Factory that the dead storage of Jayakwadi reservoir itself is larger than the combined live storages of all the upstream reservoirs of Jayakwadi. To fill in Jayakwadi from upstream storages is, therefore, not practicable.



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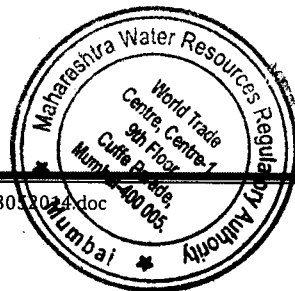
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3.5 Shri Ravindra Parvat Dhawane put forth similar arguments as those of the Pravaranagar Sakhar Karkhana. He further pointed out that there is no basis to the provisions in the MWRRA Act regarding water scarcity, equitable distribution of water, guarantee of providing irrigation to atleast 1 acre of land for each land holder, etc. Also the condition of attaining 33% of live storage for a reservoir for getting excluded from the purview of scarcity is unjustifiable.

3.6 On behalf of the Petitioner, his advocate and he himself forcefully put forth their pleadings as follows :

- 1) The purpose of bringing out the Maharashtra State Water Policy & the Maharashtra Water Resources Regulatory Authority Act, 2005 is to enable the equitable distribution of the water in the State. However, Govt. has sanctioned in the meantime unauthorized demands in the State. Storages totaling about 50 TMC have been built upstream of Jayakwadi illegally depriving Jayakwadi of its rightful share of yield in Godavari basin.
- 2) The equitable distribution of water in Godavari basin every year is the responsibility of MWRRA.
- 3) The Marathwada region was denied justice on the pretext that in the absence of the rules, implementation of the Act was difficult. When the rules were subsequently framed, these were damaging to the interest of Marathwada. Due to the pressure, the rules were required to be withdrawn. Not having rules in place does not mean that the Act cannot be implemented.
- 4) Excessive Kharif utilization than is provided for in the project planning made in the upstream projects in Godavari basin has deprived beneficiaries of Jayakwadi reservoir their share of water.



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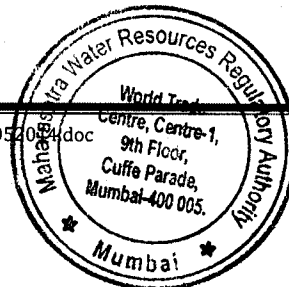
3.7 Shri Y.R. Jadhav representing the Marathwada Vikas Prathishthan (Aurangabad) as intervener pleaded that Govt. should take necessary steps in time to ensure the right of the deprived region to have equitable distribution of water. It is a statutory right provided under Sec. 12(6)(c) of MWRRA Act.

He further argued that the word "distress" in Sec. 12(6)(c) should be taken to mean the "deficit" of water. This is consistent with the meaning of पाण्याची तूट as is defined in the MMISF Act, 2005. Sec. 12(6)(c) is independent of conditions such as requirement of water for any particular use, or place, or delineation of area for irrigation etc. It simply implies equitable distribution of water amongst all reservoirs in a basin. In short this section is correctly based on the principles of State Water Policy and those of Godavari Water Dispute Tribunal.

3.8 Shri Rajendra Bawake on behalf of *Godavari Kalwe Pani Bachav Sangharsh Samiti* (Rahata), pleaded that the water for irrigation be distributed according to the planning which upholds the right of farmers who are sanctioned blocks in Kharif, Rabi & Hot Weather.

The horticultural crops, if deprived of water are most likely to be wiped out. Therefore, supplying water to horticultural crops without interruption is a practical need. Hence, right of horticulturists under the Godavari canals must be safeguarded.

3.9 Shri E.B. Jogdand, Chief Engineer & Chief Administrator (CAD)-Aurangabad, explained the storage and water requirement position of the Marathwada area, dependent on Jayakwadi water. The drinking water and industrial requirement till 31/7/2014 of this area can be met with the water available in Jayakwadi reservoir. In Jayakwadi command about 40,000 ha Rabi irrigation and 20,000 ha irrigation on backwater of Jayakwadi in Rabi has been realized by managing one rotation.



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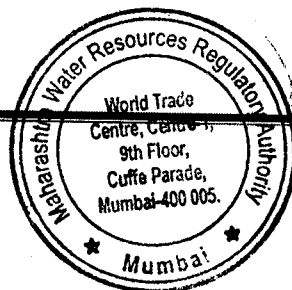
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Shri E.B. Jogdand also informed that the demand of *Godavari Kalwe Pani Bachav Sangharsh Samiti*, Rahata is being met from various storages in Darna - Gangapur Complex.

4.0 The Executive Director, Godavari Marathwada Irrigation Development Corporation, Aurangabad furnished the present (as on 23/5/2014) storage position of upper Godavari basin vis-a-vis the requirement on account of drinking, industry, irrigation (Hot Weather) including evaporation losses (copy enclosed).

5.0 MWRRA's Observations & Directions :

1. Looking to the information and analysis thereof it is clear that the entire committed drinking water and industrial requirement till 31/7/2014 for Jayakwadi can be met from the present storage available in Jayakwadi reservoir. Also it needs to be noted that there is no commitment on the part of the Govt. to give water for Hot Weather irrigation in the Jayakwadi command in this season of 2013-14. There are some reservoir groups upstream of Jayakwadi viz. Gangapur & Mula from which about 1.58 TMC (45 million cubic meter) of water is available for release for Jayakwadi. However, considering past experience, this quantum is so small that it may not reach Jayakwadi reservoir due to transit losses. Therefore, this Authority feels that against this background the release of water from dams upstream of Jayakwadi will not be of any use to the users downstream of Jayakwadi at present.
2. The next hearing in this case will be held on 9/7/2014 at 12.00 noon in the office of MWRRA.



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3. The main matter regarding equitable distribution of water in Godavari sub-basin upto Jayakwadi will be heard and finally decided by 31/8/2014.

4. All parties are directed to ^{furnish} copies of their say / further say to the MWRRA and also serve copies including rejoinders, if any, to all the parties by June 30, 2014.

With these findings and observations, the issue regarding the release of water from upstream reservoirs to the Jayakwadi reservoir for the year 2013-14 stands disposed of.

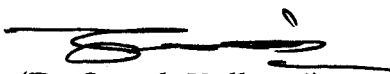
Encl. : As above

Sd/-
(Ravi B. Budhiraja)
Chairman

Sd/-
(Chitkala Zutshi)
Member (W.R. Economy)

Sd/-
(S.V. Sodal)
Member (W.R. Engineering)




(Dr. Suresh Kulkarni)
Secretary


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प्रपत्र

जायकवाडी धरणाच्या उर्ध्व बाजूस असलेल्या नाशिक व अहमदनगर जिल्ह्यातील मोठ्या व मध्यम मध्यम प्रकल्पामध्ये दि.२३/०५/१४रोजीच्या उपलब्ध पाणी साठा व पुढील नियोजन

(दलघमी मध्ये)

अ.क्र.	प्रकल्पाचे नांव	धरणातील आजचा पाणीसाठा (२३/०५/२०१४)	पिण्यासाठी ३१/०७/२०१४ अखेर लागणारे पाणी बापीभवन व्ययासह	औदयोगिक वापरासाठी ३१/०७/२०१४ अखेर लागणारे पाणी बापीभवन व्ययासह	उन्हाळी हंगामासाठी ३०/०६/२०१४ अखेर उर्वरित सिंचनसाठी लागणारे पाणी बापीभवन व्ययासह	उर्वरित पाणी (२-३ ४ ५)
	१	२	३	४	५	६
अ	दारणा समुह					
	दारणा	४७.६३	३८.८४	७.५२		
	मुकणे	०.४२	१.२८८	०.२८७		
	वालदेवी	०.९६	०.०१४	१.४५४		
	भावली	३.०२	०	०		
	एकूण	५२.०३	४०.१४	९.२६१	२.६३	०.०००
ब	गंगापूर समुह					
	गंगापूर	८८.९९	३३.५	१३.२३		
	गौतमी गोदावरी	०.९३	७.८३	०		
	कश्यपी	०.४८	७.७१	०		
	कडवा	०.१००	०.२८	०		
	आळंदी	२.८१०	०	०.५३		
	एकूण	९३.३१०	४९.३२	१३.७६	१३.७	१६.५३

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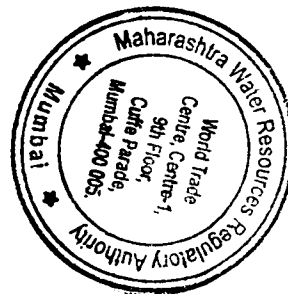
क	उर्ध्व गोदावरी					
	पालखेड	१.१६०	१०.९३	१.४		
	करंजवण	१५.८३०	०.१६	०.१९९		
	वाघाड	२.५२०	०.०१३	०		
	ओझरखेड	४.२८०	१.३६७	०.०५३		
	तीसगांव	०.०००	०.१३२	०		
	पूणेगांव	०.२७०	०.०३	०		
	एकूण	२४.०६०	१२.६३२	१.६५२	१.७७६	०
ड	मुळा समुह					
	मुळा	८७.९२०	१७.७९	१.३५		
	मांडओहोळ	०.२६०	०.२६	०		
	एकूण	८८.१८०	१८.०५	१.३५	४०.५५	२८.२३
इ	प्रवरा समुह					
	भंडारदरा	२८.९४०	२८.२७९	१.७२		
	आढाळा	२.५२०	०.६०१	०		
	भोजापूर	०.०००	०.८६	०		
	एकूण	३१.४६०	२९.७४	१.७२	०.०२	-०.०२०
	एकूण प्रादेशिक	२८९.०४०	१४९.८८	२७.७४३	६६.६७३	४४.७४०

टीप - गंगापूर प्रकल्प समुहातील शिल्लक पाणी दारणा प्रकल्पांतर्गत नांमबंधाऱ्यावरील व गोदावरी कालव्यावरील बिंगरसिंचनाची तूट भरून काढणे तसेच एलनिनो इफेक्ट विचारात घेता नाशिक महानगरपालिका पिण्यासाठी राखून ठेवणेचे नियोजित आहे. पालखेड व ओझरखेड धरण्याच्या पाणी साठयात ६.८० दलघमी, मुळा धरणात १२.२९ दलघमी गाळ आहे. दारणा धरणातील ८.५० दलघमी गाळसाठी उपरोक्त धरणातून वजा करण्यात आला आहे

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जायकवाडी प्रकल्प व सर्व वरच्या मोठे व मध्यम प्रकल्पांची माहिती देणे
(मुख्य अभियंता व मुख्य प्रशासक, लाक्षेवि. जसंवि. औरंगाबाद)

प्रकल्पाचे नाव	धरणातील आजचा पाणीसाठा (23/05/2014)	पिण्यासाठी 31/07/2014 अखेर लागणारे पाणी बाष्पीभवन व्ययासह	औद्योगिक वापरासाठी 31/07/2014 अखेर लागणारे पाणी बाष्पीभवन व्ययासह	उन्हाळी हंगामासाठी 30/06/2014 अखेर उर्वरित सिंचन कमिटमेंटसाठी लागणारे पाणी बाष्पीभवन व्ययासह	उर्वरित पाणी [1-(2+3+4)]
	1	2	3	4	5
1) नारंगी म.प्र.	निरंक	--	--	--	--
2) बोर दहेगाव म.प्र.	निरंक	--	--	--	--
3) शिवना टाकळी म.प्र.	10.76	2.25	--	4.5	1.11
4) जायकवाडी	177.978	140.587	17.25	38	-17.859
				(जलाशय उपसा सिंचनासाठी)	(मृतसाठ्यामधून)

टिप - जायकवाडी प्रकल्पाच्या डाव्या व उजव्या कालव्या मधून पिण्याच्या पाण्यासाठी जनावरांच्या पिण्याच्या पाण्यासाठी अनुक्रमे दिनांक 15-05-2014 व दिनांक 20-05-2014 पासून विशेष आवर्तन सोडण्यात आले आहे. यास शासनाचे पत्र क्र. सीडीए 1014/(86/2014) लाक्षेवि/(कामे), दिनांक 13-05-2014 नुसार 70 दलघमी साठी मंजूरी देण्यात आलेली आहे. दिनांक 24-05-2014 पर्यंत डाव्या कालव्यातुन 6.94 दलघमी. पाणी सोडण्यात आलेले असून सध्या डावा कालवा 400 क्युसेक्स विसर्गाने चालु आहे. दिनांक 24-05-2014 पर्यंत उजव्या कालव्यातुन 2.84 दलघमी. पाणी सोडण्यात आलेले असून सध्या उजव्या कालवा 500 क्युसेक्स विसर्गाने चालु आहे. दोन्ही कालव्यातुन 70 दलघमी. पाणी सोडल्यानंतर विसर्ग बंद करण्यात येईल.

