



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

Maharashtra Water Resources Regulatory Authority
(MWRRA)

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Order No. 17/2017

In the matter of

Petition filed by Adv. Ashish Jaiswal, Ramtek as regards Making
Provision of Water for Irrigation Purpose by Curtailing the Use of
Water from Pench Project Complex by the Nagpur Municipal
Corporation - Case No. 8 of 2017

Adv. Ashish Jaiswal,
R/o Rajaji Ward, Ramtek,
Tal.Ramtek, Dist.Nagpur

....Petitioner

Versus

1. Nagpur Municipal Corporation through Municipal Commissioner
2. Collector, Nagpur
3. Project Officer, Pench Irrigation Management, Nagpur

.....Respondents

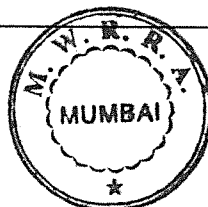
Third Interim Order

Coram : K. P. Bakshi, Chairman,

V. M. Kulkarni, Member (W. R. Engineering).

Date : December 8, 2017

1. The second Interim Order based on proceedings of second hearing held on November 23, 2017 in this matter was issued as Order No. 13 /2017 on October 30, 2017.



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2. The 3rd hearing was held on November 23, 2017. The following were present :-

- (i) Adv. Ashish Jaiswal — Petitioner
- (ii) Adv. Sudhir Puranik — Advocate for Respondent No. 1
- (iii) Shri. S. S. Gaikwad, — Executive Engineer, NMC, Nagpur
Representative of Respondent No.1
- (iv) Shri. Anil W. Khadatkar — Tahasildar, Representative of
Respondent No.2
- (v) Shri. J. B. Turkhede — Executive Engineer, Pench Irrigation
Division, Nagpur Respondent No.3

3. Executive Engineer, Pench Irrigation Division, Nagpur - Respondent No. 3, vide his letter No. 5543 dated November 21, 2017 submitted his say in the form of compliance report of the MWRRRA Order No. 13/2017.

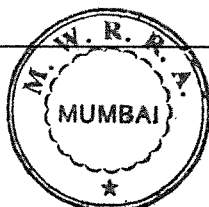
4. Mr. S. S. Gaikwad representing Respondent No. 1 i.e. Nagpur Municipal Corporation (NMC) submitted an Additional Affidavit.

5. Petitioner submitted Rejoinder to the Respondent's Affidavit.

SUMMARY OF THE ARGUMENTS

1. **Adv. Ashish Jaiswal**, (Petitioner) pointed out that water demand submitted by the NMC is not as per the criteria issued by the MWRRRA in September 2017. He further argued that present year being deficit year, demand should have been less than 135 liters per capita per day (lpcd). He further pleaded that as per the Pench Project Report, NMC has reservation of 112 million cubic meter (MCM). Design utilization of Pench complex is 965 MCM, of which considering sectoral allocation limit of 15%, domestic water quantity works out to be 144.75 MCM. The agreement for temporary reservation of 78 MCM has expired on 31/12/2016 as NMC has not paid rehabilitation charges of Rs. 84.45 crore. In spite of this, the district authority i.e. Water Allotment Committee, Nagpur illegally allocated 190 MCM water to NMC.

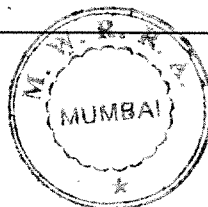
He further added that as per the MMISF Act 2005, farmers should get their regular quota as per their entitlement. He also brought to the attention that NMC has not assessed the groundwater potential in the city as per directives of the Authority. He finally demanded to fix the quota for each category in the light of directives issued by the Authority on September 22, 2017.



2. **Adv. S. M. Puranik** on behalf of NMC pleaded that the 190 MCM water quota sanctioned is well within the sectoral allocation of 15% and additional reservation of 78 MCM is appropriate as Corporation has requested the Government to waive the rehabilitation charges amounting to Rs. 84.75 crore.
3. **Mr. S. S. Gaikwad, Executive Engineer, NMC** submitted that there are 68,707 bore wells in the city and said that NMC has taken due cognizance of these bore wells in computing water requirement submitted to the WRD. He informed that the campaign has been launched in the city for economic use of water. He also informed that 9,600 industrial consumers are using 60.63 MLD of water from NMC network. He submitted the data of industrial users in the form of a Compact Disc (CD). He also mentioned that target has been fixed to reduce the Unaccounted For Water (UFW) to 15% by February 2022 and that water auditing has been initiated.
4. **Shri. J.B. Turkhede, EE, PID, Nagpur, Respondent No.3** clarified that reservation of 78 MCM was temporary and has already expired on December 31, 2016 due to nonpayment of the rehabilitation charges of Rs. 84.45 crore to the WRD. He further explained that the share of Maharashtra is 965 MCM in the Pench project and as per project Report reservation of 112 MCM for domestic use is provided. He further informed that the sectoral allocation for domestic use works out to be 144.75 MCM and there is no reduction in reservation 190 MCM (112 MCM+ 78 MCM on temporary basis) on account of commissioning of pipeline. He further added that during current year, as yield is 600 MCM only, 200 MCM water was made available for one Kharif rotation & 100 MCM water is allocated for one Rabi rotation. He further ensured that the NMC's entitlement & allocation for the current year shall be declared within a week.
5. **Shri. Anil W. Khadatkar, Representative of the Collector, Nagpur** informed that water budget as received from the NMC was placed before the Guardian Minister for sanction.
6. **Directions :**

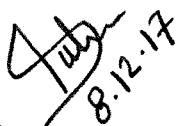
Taking into consideration, the affidavit submitted by parties and the inputs received during the hearing, the following directions are issued:

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- a) Authority expressed extreme displeasure for non-compliance on the part of WRD of its interim orders issued on October 10 (Order No. 11) & October 30 (Order No. 13), 2017 in the matter.
- b) Authority directed to make Secretary (WRM & CAD), WRD and Chief Engineer (WR), Nagpur as Respondents in this case. The Petitioner and Respondents shall serve copies of the Petition and all necessary submissions to Secretary (WRM & CAD), WRD and Chief Engineer (WR), Nagpur.
- c) Secretary (WRM & CAD), WRD shall submit affidavit putting forth the facts regarding additional reservation of 78 MCM especially regarding its validity.
- d) Secretary (WRM & CAD), WRD shall also review the provisions in WRD GR No. Misc 1003/(310/03)/I(P) dated August 10, 2004 which is issued prior to the enactment of the MWRRA Act, 2005 in light of provisions in the Act - especially Section 11(a) of the MWRRA (Amendment & Continuance) Act, 2011 and Criteria for Distribution of Surface Water Entitlement evolved by MWRRA in November 2012 and revised in September 2017 and also Section 11(q) of the MWRRA Act, 2005 and directives issued thereunder and he shall file Affidavit-in-reply accordingly.
- e) NMC shall submit its yearwise plan to reduce UFW on or before next hearing.

The next hearing in the matter will be held on 05/01/2018 at 12:00 hrs.


8.12.17

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



(K. P. Bakshi)
Chairman

