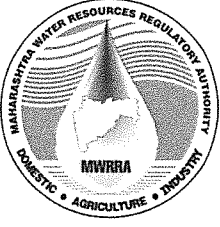




सत्यमेव जयते



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

Maharashtra Water Resources Regulatory Authority

File No. MWRRA/2018/Legal/ Case No. 1(2014)/522

Date : 26/07/2018

State Government's direction under Section 23 of the MWRRA Act,
2005 in the matter of MWRRA's Order dated September 19, 2014 in
Case No. 1 of 2014

Please find herewith a copy of MWRRA Order No. 12/2018 dated July 26,
2018 in the above matter.

Encl : As above

(Dr. Suresh Kulkarni)
Secretary

Copy for information and necessary action to:

- 1) *Shri Prashant Bansilal Bumb (MLA), Aurangabad* Through his Advocate Mangal Bhandari Veena Taikalwadi, L J Road, Mahim, Mumbai - 400016.
- 2) Private Secretary of Hon. Minister, Water Resources Department, Mantralaya, Mumbai - 400032.
- 3) Secretary (WRM & CAD), Water Resources Department, Madam Kama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai - 400032.
- 4) Executive Director, Godavari Marathwada Irrigation Development Corporation, Sinchan Bhavan, Jalna Road, Aurangabad - 431 005.
- 5) *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.
- 6) *Sanjay Daulatrao Hon* through Advocate Pramod N. Patil, 8-B, 2nd Floor, 35 Ambalal Doshi Marg, Opp. Hamam House, Fort, Mumbai - 400 023.

- 7) *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.
- 8) 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
- 9) *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
- 10) *Bhausahab 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
- 11) *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
- 12) Shri. Y. R. Jadhav, Ramayan, Visawanagar, Nanded - 431602
- 13) Godavari Kalave Pani Bachav Sangharsh Samiti, C/o Rajendra Bhimaji Bavake, At Post- Sakuri, Tal-Rahata, Dist. - Ahmednagar, - 423 107
- 14) Shri. Abhijit Durgadasrao (Joshi) Dhanorkar, R/o. Krushisarathi Colony, Basmat Road, Parbhani.
- 15) Executive Director, Padamshree Dr. Vitthalrao Vikhe Patil Sahakari Sakhar Kharkhana Limited, R/o. Pravaranagar - 413 712, Tal. Rahata, Dist. Ahmednagar (Ph. No. 02422-252301)
- 16) Comrade Rajan Kshirsagar, Communist Party of India, Sangharsh, Behind Tahasil Office, University Road, Parbhani-431 401.
- 17) Chairman, Harshchandra Sahakari Pani Puravatha Sansthanche Sahakari Federation Ltd, Amrutnagar, Tal. Sangamner, Dist. Ahmednagar 422 068.
- 18) Chairman, Sahakarmaharshi Bhausahab Thorat Sahakari Sakhar Karkhana (L), Amrutnagar, Tal. Sangamner, Dist. Ahmednagar 422 068.



सत्यमेव जयते



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

Maharashtra Water Resources Regulatory Authority

Order No. 12/2018

State Government's direction under Section 23 of the
MWRRA Act, 2005 in the matter of MWRRA's Order dated
September 19, 2014 in Case No. 1 of 2014

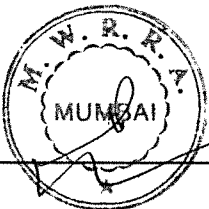
Coram : Shri. K. P. Bakshi, Chairperson
Shri. V.M.Kulkarni, Member (W.R. Engineering)
Shri.Vinod J. Tiwari, (Member Law)
Dr. Shivaji T. Sangle (Member Economy)

Date : July 26, 2018

BACKGROUND

1. The Maharashtra Water Resources Regulatory Authority has disposed the matter of release of water into the Jayakwadi reservoir from upstream reservoirs for the equitable distribution of water in the Godavari sub-basin under Case No. 1/2014 & issued an Order on September 19, 2014. This Order alongwith other issues were challenged in the Hon. High Court at Bombay in PIL 173/2013 & other connected matters and the matter was disposed by Hon. High Court at Bombay on September 23, 2016 wherein the Authority's Order dated September 19, 2014 was upheld.
2. The Para 197(o) of the Hon. High Court's Order dated September 23, 2016 reads as under;

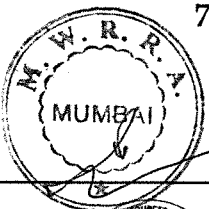
(o) It will be open for all the parties to make a representation to the State Government for the exercise of power under Section 23 of the said Act of 2005. If such representations are made, the State



Government shall decide the same within a period of two months from today. All pending representations seeking exercise of the power under Section 23 of the said Act of 2005 shall be also decided within the same period;

3. Accordingly, Harishchadra Sahakari Pani Puravatha Sanstheche Sahakari Fedration Ltd. and Sahakarmaharshi Bhausahab Thorat Sahakari Sakhar Karkhana, Taluka Sangamner, District Ahmednagar has made representations to State Government on November 18, 2016 with request to give direction to MWRRA under Section 23 of the MWRRA Act, 2005 (herein after 'Act').
4. Based on these representation, the State Government vide its letter dated November 27, 2017 has issued direction to the Authority under Section 23 of the Act to amend the Para 10 (b) of the MWRRA's Order dated September 19, 2014 in Case No. 1 of 2014 with following contents:

"However, K.T. weirs which are not supported by upstream Dams (i.e. K.T. weir on which no upstream dam) for those K.T. weirs needles can be placed before 30th October"
5. In reply MWRRA vide letter dated December 08, 2017 stated that the State Government has to decide on those representations received within two months from date of Order i.e by end of November 23, 2016 and State Government has given direction on November 27, 2017 i.e. after the aforesaid timeline, and therefore, State Government was requested to seek clarification and / or extention of the timeline from the Hon. High Court for exercising power under Section 23 of the Act.
6. The State Government has filed a Civil Application No. 54/2017 in the Hon. High Court seeking extention of timeline prescribed in its Order dated September 23, 2016 and the said application is still pending. The State Government again vide its letter dated July 2, 2018 has directed the Authority to implement its direction dated November 27, 2017 as there is no stay or adverse finding of the Hon. High Court
7. The mandate of law as provided under Section 23 of the Act casts binding responsibility upon the Authority to act upon the directions given to it by the State Government under Section 23 of the Act. Hence, the proposal was put for the consideration of the Authority in its meeting dated July



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

Maharashtra Water Resources Regulatory Authority

9th & 11th Floor, Centre 1, World Trade Centre, Cuffe Parade, Mumbai-400005.

18, 2018 wherein, the issue of Government's direction under Section 23 of the MWRRA Act, 2005 in the matter of MWRRA's Order dated September 19, 2014 in Case No. 1 of 2014 was discussed. The Authority having reviewed and considered the issue and the latest status, find it prudent to implement the said direction of the State Government issued under Section 23 of the Act and hence the following order is being issued.

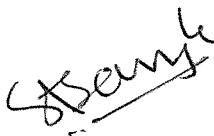
ORDER

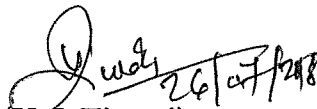
- a) In pursuant to the State Government's direction under section 23 of the Act following addition is inserted at the end of Para 10 (b) of MWRRA's Order dated September 19, 2014 in Case No. 1 of 2014,

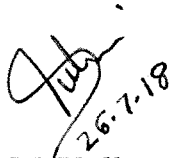
However, needles in K.T. weirs which are not supported by upstream Dams (i.e. K.T. weir on which no upstream dam) can be placed before 30th October.

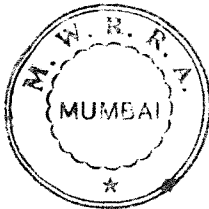
- b) Also following addition is inserted at the end of (b) (2) of Column "Explanation by MWRRA" of the Clarificatory Order issued by the MWRRA dated November 18, 2014 in Case No. 1 of 2014 (Page 11 of the said order),

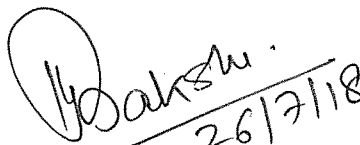
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(S. T. Sangle)
Member (Economics)


(V. J. Tiwari)
Member (Law)


(V. M. Kulkarni)
Member (WR Engineering)




(K. P. Bakshi)
Chairman

