



# महाराष्ट्र जलसंपत्ती नियामन 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/ 2017/GW Petition /Case No.1 of 2017/(24)/235

Date :25/05/2017

Case No. 1 of 2017

In The Matter of  
Closure of Well in the Influence Area of Public Drinking Water Source

Petitioner : Shri. Gopal Namdeo Pawar & 8 other R/o Mauje Pimprad Post Nardana, Tal.  
Sindkheda, Dist. Dhule

Through Adv. Kamlesh Mali

Vs

Respondents : 1. District Authority & SDO, Shirpur Division, 2. Shri. Bhoma Hilal Patil, R/o. Pimprad, 3. Grampanchayat Pimprad, 4. Sr Geologist, GSDA, Dhule, 5. Executive Engineer, Rural Water Supply Dept.Z.P., Dhule, 6. Tahasildar, Sindkheda

Please find herewith a copy of MWRRA Order dated 25/05/2017 in the matter.

Encl: As above.

  
Dr. Suresh Kulkarni  
Secretary

Copy for information & necessary action to :-

1. Adv.Kamlesh Mali, 17 A, Annex Bldg., New Bar Room, 2<sup>nd</sup> floor. High Court, Mumbai.
  2. District Authority & SDO, Shirpur Division, Shirpur, Dist. Dhule
  3. Shri. Bhoma Hilal Patil, Pimprad, Tal. Sindkheda, Dist. Dhule
  4. Sarpanch, Grampanchayat, Pimprad, Tal. Sindkheda, Dist. Dhule
  5. Shri. S SKadu, Sr. Geologist, GSDA, Dhule
  6. EE, Rural Water Supply Div. Z P Dhule
  7. Tahasildar, Sindkheda, Dist. Dhule.
- Copy to master file.





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Coram: Shri. K. P. Bakshi, Chairman

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

Date : 25<sup>th</sup> May, 2017

## Order

An appeal has been received on 06/02/2017 from Gopal Namdeo Pawar & 8 Others who are aggrieved by an order issued by the Sub-Divisional officer & District Authority, Shirpur Division dated 03/01/2017 under Section 22 of Maharashtra Groundwater (Development & Management) Act, 2009 (henceforth said Act, 2009). The appeal is admissible under Section 56 of the said Act, 2009.

The Respondent Shri. Bhoma Hilal Patil had complained through 'Aple Sarkar Portal' on 29/05/2016. The complaint was about closure of the public drinking water source of Pimprad village due to pumping of water by private irrigators from their wells which lie within 500 meter radius of the source (drinking water wells) and non-implementation of provisions in Sections 21 & 22 of the said Act, 2009. The Complainant further persuaded the matter through Grievance Redressal Portal to Collector, Dhule on 11/06/2016 & 14/07/2016 about taking remedial measures on water shortage in Pimprad and for disciplinary action on concerned for non implementation of provisions in the said Act, 2009. Tahasildar has reported vide his letter dated 05/08/2016 that due to shortage of water in the wells of Grampanchayat, water supply to Pimprad is adversely affected and therefore two private wells have

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been acquired. In this respect Sr. Geologist, GSDA, Dhule after joint inspection with rural water supply division of ZP Dhule has submitted report vide his letter dated 15/06/2016 regarding violation of provisions in the Section 21, 22 & 24 of the said Act, 2009. It is stated in the report that 8 new borewells have been constructed after notification of the public drinking source within 500 meter radius of the source.. Grampanchayat Pimprad has also reported that after the joint visit of Sarpanch, Gramsevak and Complainant on 20/08/2016, wells of the Appellants (Gopal Nardeo Pawar & 8 Ors.) are within 1 kilometer of public drinking source and there is water shortage.

The District Authority & SDO, Shirpur Division, after giving opportunity for hearing to the Appellants on 09/08/2016, 11/08/2016, 10/10/2016, 24/10/2016 & 15/11/2016 and taking cognizance of Appellants' written representation/explanation and taking into consideration various reports received as stated above, prohibited pumping from the borewells of the Appellants for the period of five months from 01/02/2017 after allowing pumping upto 31/01/2017 under Section 22 of the said Act, 2009 vide his order dated 03/01/2017. Aggrieved by the decision of the District Authority Appellants approached to the State Groundwater Authority i.e. MWRRRA vide appeal dated 06/02/2017. The hearing was conducted by MWRRRA on 24/04/2017 and the daily proceeding (Rojnama) was issued vide letter No. 187 dated 28/04/2017. The Government of Maharashtra vide notification MWRRRA/2016/277/(91/16)/WR (Estt) dated 5<sup>th</sup> May, 2017 reconstituted the Authority by appointing the Chairman and a Member (Water Resources Engg.) and afresh hearing was held on 18/05/2017.

The summary of the hearing and written submissions made is as below :-

1. Adv.Kamlesh Mali:

- (i) Advocate Mali said that the Petitioners' wells were constructed prior to 1990 and this fact was supported by the electricity bills as enclosed with the Petition. He further pointed out that some of the wells were even dry or had very less quantity of water. In spite of the above facts, the District Authority has issued an order banning withdrawal of water from the well from 1-2-2017 to 30-6-2017.
- (ii) There was no declaration about shortage of the drinking water in the area. This became clear from the information received through RTI, letters of Tahasildar, Sindkheda & Rural Water Supply Sub Div. Sindkheda dated 18-04-2017. There is no mention about acquiring ( adhigrahan) of wells by that date.



- (iii) No inspection was done by concerned Authority. Also, no notice of such inspection was served.
2. Shri Bhoma Hilal Patil pleaded that he was not invited for the said hearing held by the District Agency. He pointed out that the well of Barku Khandu Marathe was acquired on 19-05-2016 when water scarcity was prevailing. However, he could not answer as under which Act the well was acquired. He referred the letter of Tahasildar, Sindkheda dated 19-05-2016 mentioning the Govt. notification dated 26-03-1982. However, there was no reference of Section 25 & 26 of Groundwater Act, 2009. Shri. Bhoma Patil also pointed out that permission of the State Groundwater Authority is necessary for drilling new deep well in non-notified area. He further pointed out one omission in the Rojnama dated 28 April 2017 issued by the Authority that in the second line of para 4, there is a mention of Section 21(1) which should be replaced by Sec. 21(2).
3. Adv. Mali, defended that the documents as referred by Shri Bhoma Patil were received today only. Authority permitted to submit response up to 24/05/2017.
4. Naib Tahasildar, Sindkheda provided a copy of the order issued by the SDO Shirpur dated 21/03/2016 about notification of Public Drinking Sources in Shindkheda Tal. Under Sec.20 of Groundwater Act, 2009.

**Issues framed :**

1. Whether the said public drinking source was notified under Section 20 of the Groundwater Act, 2009, which provides eligibility to apply Section 21, 22 etc.?
2. Whether technical advice of GSDA was taken prior to the date of order (03/01/2017)?

**Observations:**

The public drinking sources are notified vide SDO's order dated 21/03/2016 and technical advice of GSDA was obtained before issuing order vide GSDA letter dated 15/06/2016. The Authority has observed that both the above issues are complied and order of the District Authority has been issued on 03/01/2017 after following procedure prescribed and in the said Act, 2009.

Considering the aforesaid facts and submissions made by Petitioner and Respondents up to 24/05/2017, we pass following order :

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**Order:**

The order dated 03/01/2017 passed by the District Authority & SDO, Shirpur Division is confirmed. The prayers of the Appellants which are not specifically granted stand rejected. Present order would not be an impediment for Respondents to take recourse to provisions of the Act of 2009, by following due procedure. The appeal stands disposed off. There shall be no order as to costs.

Sd/-

Shri.V.M.Kulkarni (Member Engg.)

Sd/-

Shri.K.P.Bakshi (Chairman)

  
Dr.Suresh Kulkarni (Secretary)

