



महाराष्ट्र जलसंपत्ती नियमन 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

Case No. 2 of 2014

In the matter of

**Making available the unutilized water from the Nira Deoghar and Gunjwani
reservoirs**

**to benefit the weirs on Man river and the Chincholi Tank
in Sangola Taluka -----**

Petition of Shri Ghatule, Social Worker, Yelmar and Shri Kate, Chinke

Through Advocate Machhindra A.Patil

vs

Principal Secretary, (WRM & CAD) Water Resources Department & others

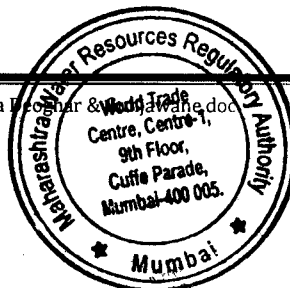
1. Adv. Machhindra A. Patil, Advocate for Petitioner
2. Adv. G.M. Kotkar
3. Shri S.A. Tatu, Superintending Engineer & Deputy Secretary (IM),
Mantralaya, Mumbai (Representative of the Respondent)
4. Shri A.A.Kapole, Pune Irrigation Circle, Pune for the Respondent.
5. Shri T.M. Zengate, Executive Engineer, Nira Right Bank Canal Division,
Phaltan
6. Shri Govind Dattu Borhade

**CORAM: RAVI B. BUDHIRAJA, CHAIRMAN &
S.V.SODAL, MEMBER (ENGINEERING)**

DATE: JUNE 25, 2014

1. Authority heard the matter on 16/6/2014 regarding 'Making available the unutilized water from the Nira Deoghar and Gunjwani reservoirs to benefit the weirs on Man river and the Chincholi Tank in Sangola Taluka'.

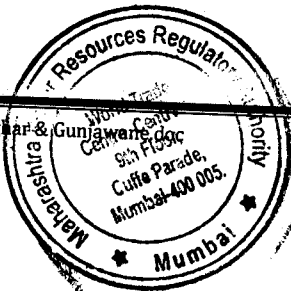
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2. Shri Machhindra Patil, Advocate for petitioner submitted his case on behalf of petitioner Shri Ghatule, Social Worker, Yelmar and Shri Kate, Chinke. The points raised by Advocate Machhindra Patil are :-

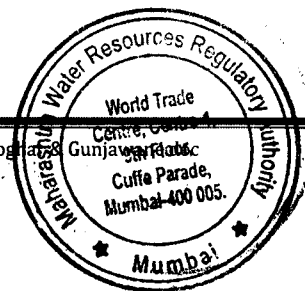
- i) Govt. had granted permission to utilize the unutilized water from Gunjwani and Nira-Deoghar reservoirs to Nira Canal System for 5 years from 4/4/2007 to 3/4/2012 in the ratio of 60% for Nira Left Bank Canal System and 40% for Nira Right Bank Canal System.
- ii) The MWRRA, vide order dt. 8/8/2013, Clause 7(3) directed that the petitioner may approach Govt. for reallocation of this water.
- iii) The petitioner has approached Govt., vide three separate letters dt.22/8/2013 addressed to the Principal Secretary, Chief Secretary and Hon'ble Chief Minister and has requested to allocate the unutilized water from Nira-Deoghar and Gunjwani reservoirs to Sangola Taluka for benefit of K.T.weirs on Man River and for Chincholi Tank in Sangola Taluka. However, he stated that no response has so far been received from the Govt.
- iv) According to the Advocate for petitioner, water made available from Gunjwani and Nira-Deoghar reservoirs is being utilized for Indapur, Baramati, Phaltan and Malshiras talukas for which already sufficient water is available and Sangola Taluka is deprived of water.
- v) He concluded with the prayer for allocation of unutilized water from Gunjwani and Nira-Deoghar reservoirs as per the MWRRA Act Section 11(a) which reads :- *"to determine the distribution of Entitlements for various Categories of Use and the equitable distribution of Entitlements of water within each Category of Use on such terms and conditions as may be prescribed;"*

3. Shri A.A.Kapole, Superintending Engineer, Pune Irrigation Circle, Pune presented case on behalf of Respondent, the Principal Secretary (WRM & CAD), WRD as follows :



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- i) Petitioner say that in pursuance of order dt. 8/8/2013 passed by the Authority, the applicants have made three separate presentations before Principal Secretary, Chief Secretary and Chief Minister on 22/08/2013 is misleading. Order dt. 8/8/2013 was in respect of petition of Punjabrao Bhagat in PIL 95 of 2013 for which the same Advocate was appearing to present the case. However, the present petitioners Shri Ghatule and Shri Kate were not the petitioners in Case no. 3 of 2014 (in the matter of PIL 95/2013).
- ii) Govt. vide order dt.2/5/2014 has granted extension for allocation of unutilized water from Nira-Deoghar reservoirs to Nira Canal System in the ratio of 60% for Nira Left Bank Canal and 40% for Nira Right Bank Canal System for the period 4/4/2012 to 3/4/2017 or till the completion of canal systems of projects under question whichever is earlier.
- iii) The said Chincholi M.I.Tank and the K.T.weirs on Man River are not within the command of Nira Canal System.
- iv) The applicant's contention that the water available from Nira-Deoghar / Gunjwani reservoirs is used only for Indapur, Baramati, Phaltan and Malshiras talukas is also incorrect. That water is being utilized for non-perennial zone falling within Sangola and Pandharpur talukas as well.
- v) Chicholi M.I.Tank is an independent minor irrigation scheme having its own catchment area.
- vi) 10 K.T.weirs are planned and designed as independent schemes. The expected inflow is from their own catchment in the Man sub-basin. The K.T.weirs are to be impounded partly from the post monsoon flow and partly from the regeneration flow during October every year.
4. The Authority had directed the Superintending Engineer, Pune Irrigation Circle, Pune appearing on behalf of the Respondent during the hearing in the matter on 16/6/2014, to furnish the actual irrigated areas before and after the availability of water from Nira-Deoghar



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reservoir in non-perennial zone especially in Sangola and Pandharpur Talukas.

The Superintending Engineer, Pune has submitted the requisite information on 24/6/2014. It is revealed that the increase in irrigated area is 52%, in non-perennial zone and in case of Sangola taluka it is

$$173\% \left\{ \frac{(3533 - 1290) \times 100}{1290} \right\}$$

5. **In the light of the above we are of the view that :-**

- i) There was no provision in the original planning of individual K.T.weirs to release water from any upstream dam. As such K.T.weir is supposed to be filled up from free catchment area as envisaged at planning stage. Hence the prayer of the petitioner to divert water from irrigation allocation from Nira-Deoghar and Gunjwani reservoirs to K.T.weirs on Man river is a matter of reallocation of previously approved sectoral allocation.
- ii) Chincholi M.I.Tank is an independent minor irrigation scheme having its own catchment and hence, filling Chincholi Tank from unutilized water from Nira-Deoghar and Gunjwani reservoirs is a matter of reallocation of previously approved allocation by the Govt.
- iii) As per the MWRRA (Amendment and Continuance) Act, 2011 the original Section 11(a) in the Act is substituted as –

“to determine the criteria for the distribution of Entitlements by the River Basin Agencies, within each Category of Use, on such terms and conditions as may be prescribed, after sectoral allocation is made under section 16 A;”

The Section 16 A reads as follows –

“(1) Notwithstanding anything contained in section 11 or any other provisions of this Act or in any other law for the time being in force, the State Government shall determine the sectoral allocation :

Provided that, sectoral allocation so determined shall ordinarily be reviewed at such intervals of not less than three years:

Provided further that, after publication of the Maharashtra Water Resources Regulatory Authority (Amendment and Continuance) Act, 2011, in the Official Gazette, the State Cabinet shall determine the sectoral allocation.

