



# 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: mwrta@mwrta.org

No. MWRRA/legal/2015/Case No.2 of 2015 (Part -2)/157

Date: 29/03/2016

## CASE NO.2 OF 2015

(1)(a) In the matter of not releasing water for the second rotation to branch No. 2, ch. No 8/550 in Pandharpur Taluka from Neera Right Bank Canal (NRBC) in 2014-2015 & not implementing the sections 12(6) & 12(6) (a)& (b) of the MWRRA Act 2005. Petition by Shri. Suresh Ramdas Dethe At - Post Dhondewadi & Jayant Devidas Shinde, At-Post Bhalvani Tal - Pandharpur, Dist Solapur through Advocate S.M.Bhinge.

(1)(b) In the matter of releasing water from Neera Right Bank Canal (NRBC) to the Phaltan, Malshiras, Pandharpur and Sangola Talukas under Sections 12(6) & 12(6) (C) of the MWRRA Act, 2005. Petition filed by Shri. Shahaji Agatrao Nalavade, Chairman, Dhanalakshmi Sahakari Pani Wapar Sanstha, Ltd. Metkari Taluka Sangola, through Advocate S. M. Bhinge.

(2) In the matter of releasing water from Neera Left Bank Canal (NLBC) into Shetphal Tank, Petition by (i) Shri. Balasaheb Jivaba Kargal At - Post Shatphal Haveli Tal- Indapur, District Pune (ii) Shri. Tukaram Shankar Jadhav, At. Post - Shetphal, Taluka Indapur, District Pune & (iii) Adv. Nitin Buaji Kadam, At Post Shirsatwadi Taluka Indapur, District Pune.

Vs

Secretary (WRM & CAD), Water Resources Department,  
Mantralaya, Mumbai & Others

Please find herewith a copy of MWRRA Order dated 29/03/2016 in the matter.

Encl : As above

  
(Dr. Suresh Kulkarni)  
Secretary

**Copy for information & necessary action to :-**

1. Secretary, (WRM & CAD) WRD, Mantralaya, Mumbai - 400 032. (Attention - Shri. S. A. Tatu Deputy Secretary)
2. Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune 400 011.
3. Chief Engineer, Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 400 011.
4. Superintending Engineer, Pune Irrigation Circle, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 400 011.
5. Executive Engineer, Neera Right Bank Canal Division, Central Building, Phaltan, District Satara - 415523.
6. Executive Engineer, Pune Irrigation Division, Pune

**Copy to Petitioners / Intervenor through**

1. Advocate, S.M.Bhinge, At - Post Shirbhavi, Taluka Sangola, District Solapur - 413317
2. Shri Balasaheb Jivaba Kargal, Shetphal Haveli, Taluka Indapur, Dist Pune through Adv. Pandurang Harichand Gaikwad (Patil) C/o, Adv. Shri. S. P. Kadam, Prospect Chambers (Annex) Office No. 27 2'nd Floor, 317/321 Dr. D.N.Road, Opp. Thomas Cook, Fort, Mumbai-400 001.
3. Shri. Tukaram Shankar Jadhav, At-Post . Shetphal, Taluka Indapur, District Pune.
4. Shri. Shahaji Agatrao Nalavade, Chairma, Dhanalakshmi Sahakari Pani Vapar Sanstha, Ltd. Metkari Taluka Sangola, District Solapur.
5. Adv. Nitin Buasaheb Kadam, At-Post Shirsatwadi, Taluka Indapur, District Pune.



# महाराष्ट्र जलसंपत्ती नियामक प्राधिकरण

## Maharashtra Water Resources Regulatory Authority (MWRRA)

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CASE No.2 OF 2015

(1)(a) In the matter of not releasing water for the second rotation to branch No. 2, Ch. No 8/550 in Pandharpur Taluka from Neera Right Bank Canal (NRBC) in 2014-2015 & not implementing the sections 12(6) & 12(6) (a) & (b) of the MWRRA Act 2005.

**Shri. Suresh Ramdas Dethe & Others**

**Petitioner**

(1)(b) In the matter of releasing water from Neera Right Bank Canal (NRBC) to the Phaltan, Malshiras, Pandharpur and Sangola Talukas under Sections 12(6) & 12(6) (C) of the MWRRA Act 2005.

**Shri. Shahaji Agatrao Nalavade**

**Petitioner**

(2) In the matter of releasing water from Neera Left Bank Canal (NLBC) into Shetphal Tank,

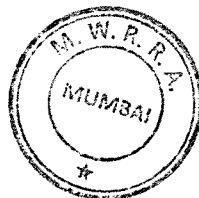
**Shri. Balasaheb Jivaba Kargal,  
Shri. Tukaram Shankar Jadhav,  
Adv. Nitin Buasaheb Kadam,**

**Petitioner  
Petitioner  
Intervenor**

**Vs**

1. Secretary, (WRM & CAD) WRD, Mantralaya, Mumbai - 400 032. (Attention - Shri. S. A. Tatu Deputy Secretary)
2. Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune 400 011.

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3. Chief Engineer, Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 400 011.
4. Superintending Engineer, Pune Irrigation Circle, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 400 011.

..... Respondents

### ORDER

**CORAM : SHRI. RAVI BUDHIRAJA, CHAIRMAN**  
**SMT. CHITKALA ZUTSHI, MEMBER (Economy)**

**Date: 29<sup>th</sup> March 2016**

An application was received from i) Shri. Suresh Ramdas Dethe At - Post Dhondewadi Post Jainwadi, Taluka Pandharpur District Solapur & ii) Jayant Devidas Shinde At-Post Bhalvani, Tal - Pandharpur, Dist Solapur through Advocate S.M.Bhinge vide his application dated 02/07/2015. His main prayer is that the farmers in Chain No. 8/550 of Bhalvani Branch 2 have not received adequate water and not in time (i.e. in hot weather season). He requested to distribute water from tail-to-head on Neera Right Bank Canal (NRBC) as per the Section 12(7) of MWRRRA Act. He also prayed that, order be issued so that every land holder in the command should get a quota of water as per the Section 12(6) (a) & (b) of the MWRRRA Act 2005.

An application was received from Shri. Shahaji Agatrao Nalavade, Chairman, Dhanalakshmi Sahakari Pani Wapar Sanstha, Ltd. Metkari Taluka Sangola, District Solapur through Adv. S. M. Bhinge vide his application dated 28/10/2015. The Applicant requested that order be given to concerned Superintending Engineer & Executive Engineer to fix quota for each minor (*Phata*) of the NRBC in the Canal Advisory Committee. He also prayed that order be given to the concerned Superintending Engineer & Executive



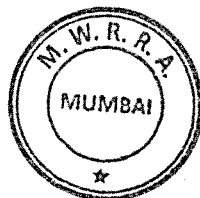
Engineer to release the water from NRBC to the Sangola Taluka alongwith Phaltan, Malshiras and Pandharpur Talukas to irrigate from tail-to-head.

An application dated 20/11/2015 was received from Shri. Balasaheb Jivaba Kargal, At-Post Shetphal Haveli Taluka Indapur Dist Pune and Shri Tukaram Shankar Jadhav, At-Post Shetphal ,Taluka Indapur District Pune through Adv. Pandurang Gaikwad requesting to set aside PIC Pune's Order dated 31/10/2015 and to release water from Bhatghar and Veer Dams to the Shetphal Tank.

An intervening application was received from Adv. Nitin Buasaheb Kadam At Post Shirsatwadi Taluka Indapur District Pune vide his application dated 01/12/2015 requesting not to release water to Shetphal Tank and order be given for supplying water to 22 villages on Neera Left Bank Canal (NLBC).

## 2. Hearings on 12/08/2015, 28/08/2015, 23/11/2015 & 01/12/2015

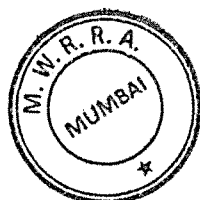
- a) The Advocate of Petitioners & Intervenor also the Deputy Secretary WRD Mantralaya Mumbai, Superintending Engineer, Pune Irrigation Circle (SE PIC) Pune, Executive Engineer (EE), NRBC Division Phaltan & Executive Engineer, Pune Irrigation Division (EE, PID), Pune from the Respondent's side were present at the time of the hearings.
- b) During the hearing on 12/08/2015, the Authority directed field officers of WRD to furnish their reply pertinent to Advocate S. M. Bhinge's application dated 02/07/2015. Accordingly, EE, NRBC Division Phaltan submitted his Para-wise reply vide letter dated 26/08/2015.
- c) During the hearing on 28/08/2015, Adv. Bhinge withdrew his claim of compensation made under Para 9(e) of his application dated 02/07/2015. The SE PIC Pune submitted that water from the NRBC is being utilised for the command far more than that envisaged in the latest Administratively Approval (A. A.) Project Report. The tail enders are thereby deprived of their rightful share of water. The Authority has directed the field officers to furnish copy of GR of the latest A.A. of NRBC



Project and information about branch-wise & distributaries-wise approved areas and approved cropping pattern corresponding to the latest A. A. Project Report. Accordingly, the EE, NRBC Division Phaltan complied with the requisite information vide letter dated 01/10/2015.

- d) Subsequent hearing was scheduled on 23/11/2015 during which Adv. S. M. Bhinge's application dated 28/10/2015 and Adv. Pandurang Gaikwad's application dated 20/11/2015 were considered by the Authority. Adv. Bhinge, vide his letter dated 01/10/2015, raised questions about the minutes of the Canal Advisory Committee meeting that was conducted for the year 2015-2016, and the detailed report of which has been sent by the EE NRBC, Phaltan. He stated that, there are no sanctioned blocks on the NRBC since 2012, and hence, MWRRA Act is applicable. Adv. Santosh Gaikwad (Patil) on behalf of Respondents submitted that if the quota of water be decided and released the water on the demand of the applications received, the Respondent is required to take the approval of the Government and needed some time to file affidavit in reply on the points raised by Adv. Bhinge. Another Petitioner Shri. Kargal pleaded that water from the NLBC should be released to Shetphal Tank. Shetphal tank has been constructed during the British period 113 years back. It has no catchment area of its own. Right from the inception, the tank is being filled through NLBC. During 2015 monsoon, it is not filled-in on the pretext of scanty rains. Drinking water schemes of 13 villages are dependent on this tank. Having heard the argument from Petitioner, the Authority directed the WRD to ascertain whether the Government has made provision to fill up Shetphal Tank from NLBC every year in the A. A. order of Shetphal Tank or otherwise. Accordingly, EE NRBC Division Phaltan and EE PID, Pune submitted their para-wise replies to the Authority.
- e) During the hearing on 01/12/2015, Adv. Nitin Buasaheb Kadam has submitted his application as an Intervenor and opposed the release of water from NLBC to Shetphal tank as 22 villages on NLBC on Phata No. 47 to 59 are already deprived of their quota in NLBC. The SE PIC Pune asserted that there is no provision in the A. A. of the Shetphal Tank to release water in Rabi season. He also clarified that, there is provision in

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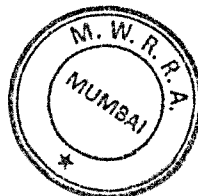
the A. A. that if the Veer Dam is overflowing then the excess water is to be released into Shetphal tank. Having heard the arguments of the above Petitioners & Respondent the Authority directed (a) Respondent SE PIC Pune to furnish detailed reply on the points raised by Adv. Bhinge, and (b) on the point raised by Petitioner Shri. Kargal, the SE PIC Pune to keep this matter immediately before Canal Advisory Committee for consideration of Petitioner's request in the larger interest and on humanitarian ground i.e. releasing water from NLBC to Shetphal tank.

- f) Accordingly, EE PID Pune vide letter dated 15/01/2016 submitted the minutes of the NLBC Advisory Committee meeting held on 28/12/2015. In the meeting, it was decided that water should not be released from NLBC into Shetphal Tank. It was also decided that the issue of releasing water from Neera-Deoghar dam into Shetphal Tank was out of purview of this Canal Advisory Committee.
- g) As directed by the Authority in the hearing 01/12/2015, MKVDC Pune, vide letter dated 28/01/2016, submitted their para-wise replies to the Government for further action with a copy to the Authority. This document was forwarded to the Adv. Bhinge for information.

3. Adv. Bhinge vide his application dated 16/02/2016 has raised objections to the MKVDC Pune's letter dated 28/01/2016. Also Shri. Kargal through Adv. S R Palande made application dated 16/02/2016 requesting to release water from Bhatghar, Gunjavani, Neera-Deoghar and Veer reservoir into Shetphal tank.

#### 4. Direction

- i) Having heard the petitioner, intervenors and respondents, assessing the preliminary background of the matter and going through the documents placed before it, the Authority comes to the conclusion that this matter be examined by the Chief Engineer (SP), WRD Pune as the Primary Dispute Resolution Officer (PDRO) as per the Section 22 (1) of MWRRA Act 2005.



- ii) The PDRO will follow the procedure laid down in MWRRA (Conduct of Business) Regulations 2013 in conducting the hearing in the matter and dispose of the matter as far as possible within two weeks of the receipt of this order.

With the above findings and directions, the applications stand disposed of.

Sd/-

(Ravi B Budhiraja)  
Chairman

Sd/-

(Chitkala Zutshi)  
Member (Economy)

  
(Dr. Suresh Kulkarni)  
Secretary

