



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: mwrwa@mwrwa.org

Case No. 3 of 2014

In the matter of

**Allocation of 5.5 TMC Water from Tembhu Lift Irrigation
Scheme**

for Sangola Taluka

**Petition of Shri Gorakh Anand Ghadge, R/o Shivane
Tal.Sangola,**

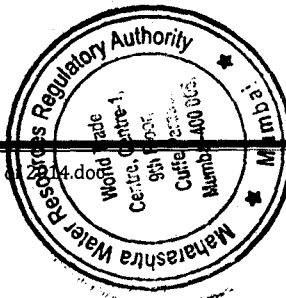
Dist. Solapur

Through Advocate Ashish S. Gaikwad

VS

**Principal Secretary, (WRP & D) Water Resources
Department & others**

1. Advocate Ashish S.Gaikwad
2. Advocate Gorakh A. Ghadage
3. Shri Devashish Jagirdar, Assistant to advocate
4. Shri Rajendra Mohite, Superintending Engineer, Sangli Irrigation Circle, Sangli
5. Shri Pravin H.Mohite, Executive Engineer, Tembhu Lift Irrigation Division, Sangli.



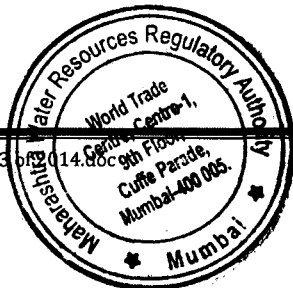
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**CORAM: RAVI B. BUDHIRAJA, CHAIRMAN &
S.V.SODAL, MEMBER (ENGINEERING)**

DATE: JULY , 2014

1. Authority heard the matter on 27/6/2014 regarding "Allocation of 5.5 TMC water from Tembhu Lift Irrigation Scheme for villages on Left side of Man river downstream of Deshmukhwadi K.T.weir and to fill 14 K.T.weirs on Man river in Sangola Taluka".
2. Shri Ashish S.Gaikwad, Advocate for petitioner submitted his case on behalf of petitioner Shri Gorakh Anand Ghadge R/o Shivane, Taluka Sangola, Dist. Solapur. The points raised by Advocate Ashish S.Gailwad are :-
 - i) Govt. has power to release water for such villages, which are not part of the scheme, on account of scarcity and legitimate demand of water for irrigation and drinking. Govt. has given such permission on Takari Lift Irrigation Scheme on Yerala river. On the same ground it may be permitted and granted as sought in the present application.
 - ii) Water has reached upto 700 m away from Deshmukhwadi K.T.weir which is located on Man river. This location is near to Atapadi and Man confluence. The topography permits the release of water into Man river by gravity. The flow from Deshmukhwadi weir can further be released for 14 K.T.weirs located on Man river. For this, 3 TMC water will be required. This demand is on account of scarcity situation and is legitimate. It is being made on the footing of natural justice.
 - iii) Govt. will not be required to incur any major expenditure to release water to 14 K.T.weirs.
 - iv) Govt. is spending 3 to 4 crores for providing water through tankers to the villages in Sangola Taluka. It is also required to spend Rs. 10 crores on cattle camps for 4 to 6 months in Sangola taluka every year. Therefore, if water is allowed to release from Deshmukhwadi to Man river situated in Sangola and further allowed to flow to the into 14 K.T.weirs constructed on Man river, more than 50 villages will be benefited.



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- v) The beneficiaries are ready to give undertaking for payment of water and electricity charges as per rules in force.
- vi) The IVth and Vth stage works under Tembhu Lift Irrigation Scheme are not yet completed. Therefore, water is available and can be allowed to flow to Deshmukhwadi K.T. weir via Man river and also to 14 K.T.weirs ahead on Man river till works of stage IVth and Vth are completed.
- vii) Petitioner had made representation to Govt. on 5/4/2014. However, no response was received. Consequently no water is released even though it was possible.
3. Shri Rajendra Mohite, Superintending Engineer, Sangli Irrigation Circle, Sangli presented the case on behalf of the Respondent viz. the Principal Secretary (WRP & D), Water Resources Department as follows :-
- i) Applicant's demand is to release water from Tembhu Lift Irrigation Scheme into 14 K.T.weirs on Man river. There is no provision in the A.A. project report of Tembhu Lift Irrigation Scheme to release water into Man river.
- ii) Shivane village is situated on left bank of Man river whereas the command area of approved Tembhu Project is on right side of the Man river. According to project report, this area is to be irrigated by canal and its distributary network.
- iii) Atpadi tank is situated within the command of Tembhu L.I.Scheme and can be fed by Tembhu Lift Irrigation Scheme. However, it is not possible to release more than 25 cusec discharge from Atpadi tank through head regulator of the Atpadi tank. Thus it is not viable both technically or economically to fill in the 14 K.T.weirs,
- iv) The approved project report does not include provision for filling in the 14 K.T. weirs further down Deshmukhwadi. Hence water was not released into Man river for 14 K.T.weirs.



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

- i) There is no provision in the approved project report of Tembhu Lift Irrigation Scheme to release water into Man river and further to 14 K.T.weirs.
- ii) The command area of Tembhu Lift Irrigation Scheme does not include the said jurisdiction.
- 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.

(2) After the sectoral allocation, as provided in sub-section (1) is determined, the Authority shall determine the criteria for the distribution of Entitlements under clause (a) of section 11.”



5. Since the demand of the petitioner is to provide water for area which is not in approved Tembhu project command, this is a issue of reallocation / additional allocation of irrigation water which is the part of sectoral allocation of the project. It is, therefore, clear that as per foregoing provisions in the amended Act, the sectoral allocation is to be determined by the State Govt. The petitioner may approach Govt. in this matter.
6. As regards the say of petitioners about no response to the representations from Government the following direction are given :-

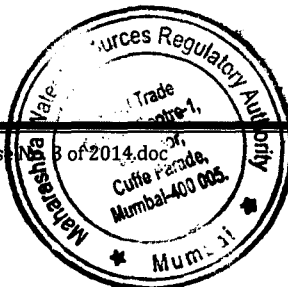
Petitioner / Applicant may submit fresh detailed comprehensive representation to the Principal Secretary (WRP & D), Water Resources Department within two weeks of receipt of this order and if such representation is made by the petitioner / applicant, Principal Secretary (WRP & D) Water Resources Department, Mantralaya, Mumbai shall look into the matter and decide the matter within six weeks of the receipt of such representation after giving them a hearing.


With these findings and directions, the petition stands disposed of.

Sd/-
(Ravi B. Budhiraja)
Chairman

Sd/-
(S.V. Sodal)
Member (Engineering)


(Dr. Suresh Kulkarni)
Secretary




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