



महाराष्ट्र जलसंपत्ती नियामन प्राधिकरण

**Maharashtra Water Resources Regulatory Authority
(MWRRA)**

9th Floor, Centre-1, World Trade Centre, Cuffe Parade. Mumbai - 400 005. Tel.: (O) 2215 2019 Fax.: 2215 3765 E-mail.:mwrra@mwrra.org

Order No. 13/2017

In the matter of

Petition filed by Adv. Ashish Jaiswal, Ramtek as regards Making
Provision of Water for Irrigation Purpose by Curtailing the Use of
Water from Pench Project Complex by the Nagpur Municipal
Corporation - Case No.8 of 2017

Adv. Ashish Jaiswal,
R/o Rajaji Ward, Ramtek,
Tal.Ramtek, Dist.Nagpur

....Petitioner

Versus

1. Nagpur Municipal Corporation through Municipal
Commissioner
2. Collector, Nagpur
3. Project Officer, Pench Irrigation Management, Nagpur

.....Respondents

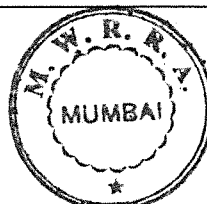
Second Interim Order

Coram : K.P.Bakshi, Chairman,

V.M.Kulkarni, Member (W. R. Engineering).

Date : October 30, 2017

1. The First Interim Order based on the proceedings of the first hearing on 4/10/2017 in this matter was issued as Order No. 11 of 2017 on 10/10/2017. The Executive Engineer, Pench Irrigation Division, Nagpur (EE PID) (Respondent No.3) submitted his affidavit by post. The Collector,



Jaiswal

Nagpur (Respondent No.2) submitted his affidavit earlier by post. The copies of the same have also been sent to the Petitioner & other Respondents.

2. The Second hearing was held on October 25, 2017 for which following were present:

Adv. Ashish Jaiswal — Petitioner pleaded in person.
Adv. S. M. Puranik — Advocate on behalf of NMC
Shri. L. P. Ingale — Superintending Engineer & Admin., CADA, Nagpur
Shri. J. B. Turkhede — Executive Engineer, Pench Irrigation Division, Nagpur.
Shri. S. S. Gaikwad — Executive Engineer (WW), NMC, Nagpur
Shri. Deepak Chitnis — Dy. Engineer, Nagpur (Representative, NMC.)
Collector, Nagpur — Respondent (No one attended on his behalf)

3. At the start of the proceedings, Adv. Puranik submitted his Vakalatnama to appear before the Authority on behalf of Nagpur Municipal Corporation (NMC). The representative of NMC - Shri. S. S. Gaikwad, EE (WW) submitted affidavit of the NMC.

4. Petitioner submitted rejoinder to Respondents' Affidavit

SUMMARY OF THE ARGUMENTS

The summary of the arguments put forth by the Petitioner as well as the Respondents during the hearing and in the form of written submission is as follows;

5. Adv. Ashish Jaiswal (Petitioner) pleaded that WRD has not implemented the latest Criteria for Distribution of Surface Water Entitlements by River

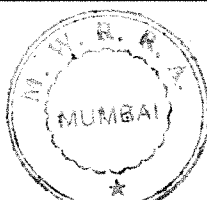


Basin Agencies for Domestic and Industrial Uses (here-in-after called 'Criteria').

Petitioner, expressed doubts regarding the data submitted by NMC regarding number of bore wells and private wells in the NMC's jurisdiction of Nagpur city. Petitioner also expressed concerns about passive approach of the NMC regarding minimizing wastage of water and initiating of awareness campaign etc.

The rejoinder contains arguments countering the stand of the Respondents. He concluded his submission by requesting to initiate action against the officers of WRD for non-compliance of the directions issued by Authority through its Interim Order dated 10/10/2017.

6. Adv. S. M. Puranik on behalf of NMC pleaded that the additional reservation of 78 MCM water in favour of NMC is essential. The proposal of constructing dams of its own to supply water to the city is under consideration of the NMC but has not materialized because of procedural delay.
7. Shri. S. S. Gaikwad (Executive Engineer, NMC) submitted that the NMC is seized of the matter regarding losses taking place in conveying water to the city. The main points raised by him through written submission are:
 - a) The Government's guidelines entitle the NMC to water equivalent to 15% of storage capacity. The capacity of Totladoh and Kamati Khairi reservoir together is 1348 MCM. Thus as per Shri. Gaikwad, NMC is entitled to get 202.2 MCM (15% of the storage capacity).
 - b) NMC is taking water through closed pipeline from Kamti Khairi reservoir.
 - c) NMC has handed over its 130 MLD sewage treatment plant to MAHAGENCO and thereby a saving of 47.45 MCM of fresh water is



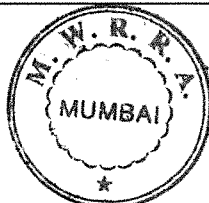
achieved. In other words, only 30.55 MCM out of the additional allotment of 78 MCM is being consumed.

- d) The amount due to WRD from NMC towards restoration of curtailed irrigation is not yet paid by the NMC, and that they have sought waiver for the same.
- e) Undertaking 24 X 7 project under PPP by the NMC will ensure reduction in NRW up to 25% by February, 2022.
- f) The requirement of NMC from October 17 to July 18 is approximately 169 MCM from Pench complex.

8. Shri. J. B .Turkhede EE, PID, Nagpur & Respondent No.3 :

The gist of the inputs given by Respondent No 3 through written submission and oral pleading is :

- a) The water for kharif irrigation has already been released.
- b) NMC has submitted water budget for water year 2017 -18 which is under scrutiny.
- c) As per the interstate agreement Maharashtra is entitled to get 30 TMC (849.50 MCM) of water in the normal year. (25 TMC state share + 5 TMC regeneration from MP water use)
- d) Kocchi barrage is 60 % completed however the Rahadi barrage and Jamghat project is still at project preparation stage.
- e) Temporary approval for reservation of additional 78 MCM to NMC was conditional till year 2005. The condition laid down was that NMC shall develop its independent source of water by that time. Till to date, NMC has not fulfilled this commitment.
- f) The amount due to WRD for restoration of curtailed irrigation of Pench has not been paid by NMC so far.



9. Shri. Ingle (SE, CADA, Nagpur)

- a) The water budget of NMC is received by VIDC on October 12, 2017 and is being scrutinized.
- b) As per the requirement of GR of Irrigation Department dated August 10, 2004 the district level committee meeting under the Guardian Minister of Nagpur is convened on October 26, 2017.

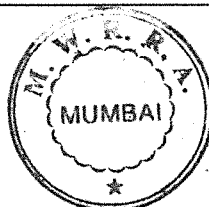
10. Collector, Nagpur

No one represented Respondent Collector (Nagpur). However, written affidavit has been submitted by his office. In the affidavit he has mentioned that the meeting of the district level committee regarding reservation of water for drinking purpose from irrigation project under the chairmanship of Guardian Minister as per Irrigation Department GR dated October 8, 2004, shall be convened in the last week of October, in which information regarding water budget of NMC and also the entitlement as per norms shall be placed before committee.

11. Directions

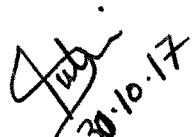
Taking into view the affidavits submitted by the parties and the inputs received during the hearings, the Authority deems it necessary to issue certain interim directives in view of water deficit in Pench Project Complex, as follows:

- a) WRD shall scrutinize the water budget submitted by NMC and decide appropriate allocation of NMC for the water year 2017-18.
- b) WRD shall submit its response to affidavit filed by NMC.
- c) Due to upstream abstraction of water, historical fortnightly inflow pattern is expected to change. Considering this eventuality, WRD shall provide adequate carryover in Pench Complex.

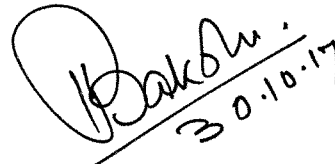


- d) NMC Nagpur shall substantiate the data submitted by it regarding number of open wells and bore wells. In long term perspective, NMC shall assess the ground water potential scientifically.
- e) NMC shall start awareness campaign to avoid wastage of water and use the available fresh water efficiently.
- f) NMC shall substantiate its industrial water requirement with list of industrial consumers to whom it is supplying water through its domestic network along with consumer-wise last year water use on or before next hearing.
- g) NMC shall submit the last water audit report to the Authority.
- h) Both WRD and NMC shall submit action taken report as per first as well as second (this) Interim Order.

The next hearing in the matter will be held on November 24, 2017 at 12:00 hrs.


30.10.17

(V. M. Kulkarni)
Member (W. R. Engineering)


30.10.17

(K. P. Bakshi)
Chairman

