

**MWRRRA's response on Comments received on Draft Guidelines, 2019 for Bulk Water Tariff  
Comments from WRD, GoM vide letter dt.04/09/2019**

<b>Sr. No.</b>	<b>Draft Guidelines</b>	<b>Comments Received</b>	<b>Response of the Authority (Proposed)</b>
1	2 Definitions : (2) <b>“Admitted O &amp; M Cost”</b> means Operation and Maintenance (O & M) Cost of water resources projects and shall include cost of irrigation management, administration, operation and maintenance of water resources projects in the State as admitted by the Authority;	There is no provision in MWRRRA Act 2005 about admitted O & M Cost. As per provision in IDC Act, Water rates shall be fixed so as to recover at least interest on Capital raised from open market as a loan.	The water rates are to be fixed after ascertaining beneficiary views as per Section 11 (d) of MWRRRA Act. Hence, the Authority is expected to scrutinize and approve the O & M Cost estimate submitted by the WRD, considering the views of beneficiary public. The term 'Admitted O & M Cost' is accordingly defined in the Clause 2 (2) of the guidelines. Interest on capital raised by the Irrigation Development Corporation cannot be the part of O & M Cost. Hence it cannot be included in the definition of Admitted O & M Cost. However, if the interest amount payable in control period is provided in the tariff proposal, the same can be considered after ascertaining its validity and views of

			beneficiary public on it. Provision shall stand as it is. MWRRA Act, 2005 has come into existence after the IDC Acts (which are of 1996 to 1999) and there is no such provision to recover the capital cost invested for water resource development.
2	Para 2 (7) <b>“Bulk Water”</b> means any water supplied on volumetric basis to Water User Associations (WUA) / Local Self Government / Industries / Townships or individual farmer from surface water resources produced by a project, river system or storage facility created or naturally available in the State either in Public or Private Sectors;	Add : Townships/ <b>Urban townships</b> ..... .....produced by a project, <b>surface water storage system (water in mines, coal mine, stone mine)</b>	It is covered in "Storage facility created or naturally available". Hence, provision shall stand as it is.
3	Para 2 (10) <b>“Bulk Water Tariff System”</b> means charges for supply of Bulk Water to various category of users and it shall also includes incentives and disincentives set to	Add : ..... <b>concessions,</b> incentives and disincentives	Offering concessions is not in the mandate of the Authority. The original provisions shall stand unchanged.

	facilitate certain strategic objectives provided in the Act;		
4	Para 2 (11) <b>“Bulk Water User Entity” (BWUE)</b> means any entity to whom bulk water is supplied by the Bulk Water Supply Entity and shall include Water User’s Association, Utility, Industrial User’s Association or any other group;	Add : .....or any other <b>water user</b> group	Accepted. Necessary changes are made in the guidelines.
5	Para 2 (18) <b>“Cost of Operative Maintenance”</b> means expenses on items such as but not limited to, pumping out of water from the drainage galleries, restoring discharge carrying capacity of canals by removing silt, weeds, shrubs, restoring breeched sections of canals, repairs to canal structures to prevent water losses, replacing damaged rubber seals, stem rods, repairs of residential and non-residential buildings for	Add :.....repairs to <b>check post, rest house</b> in residential and <b>offices</b> in non-residential colonies	Check post, rest house, office is covered in the term "Non-residential buildings". Hence, no change is required.

	operating staff etc;		
6	Para 2 (25) <b>“Regulatory Fees”</b> means the fees to be collected by the BWSE from the user entities along with the water charges at the rate notified by the Authority from time to time and deposit it to the Authority quarterly on pass through basis.	There is no clear provision in the MWRRA Act about regulatory fees.	Section 4 of the MWRRA (Fees & Charges) Regulation Act, 2013 which was approved by the State Govt. vide letter dt. March 17, 2012 empowers the Authority to very, alter, modify or amend any provision of these Regulations. Accordingly, the Authority has said Regulations and notified "MWRRA (Fees, Charges and Other Receipts) Regulation, 2019". Sr. No 3 of the Schedule 1 of these amended Regulation provide for this regulatory fees. Further, Due to these fees there will not be any additional burden on the stakeholders as the expenses of the Authority are included in administrative charges which are being covered at present through tariff. With regulatory fees the Authority will gradually become financially independent and will not require financial support of the State Govt.

			which in true sense is one of the stakeholder and responding party to proceedings before this Authority. In view of this, provisions shall stand unchanged.
7	<p>Para 3 (2) Bulk Water Supply Entity shall submit the Bulk Water Tariff proposal along with the supporting data, at least one year before the expiry of the prevailing control period along with the fees notified by the Authority.</p> <p>In the event of failure to submit the tariff proposal in time prescribed in Clause 3(2) above the Authority may suo-moto initiate the tariff review process and recovery of the cost and fees for the same from BWSE.</p>	<p>Authority will prepare tariff proposal and will invite comments of beneficiaries as per Sr.No.(7) of Para 3.</p> <p>Therefore, the stage of submission of tariff proposal from BWSE may be eliminated.</p>	<p>Voluminous field data is required for fixing for criteria and establishing water tariff system. BWSE is expected to submit this data along with the tariff proposal. Provision shall remain unchanged.</p>
8	<p>Para 3 (6) The Authority shall prepare the Criteria for fixing Bulk Water Tariff (CBWT) by following the</p>	<p>Objections/Suggestions on the criteria may be invited from stakeholders. Since modifications can not be</p>	<p>"through Consultation Process" shall stand inserted in Clause 3 (6) after "Criteria for Bulk Water Tariff</p>

	<p>procedure specified in the Approach Paper. The CBWT shall be shared with all by displaying the same on the website of the Authority.</p>	<p>possible at the time tariff proposal after finalization of criteria. Also, as per Para 4 (2) and 4 (7) review will be done if tariff proposal is not as per the criteria. Therefore, opportunity for submission/suggestions on criteria is must.</p>	<p>(CBWT)"</p>
9	<p>1) The Authority shall consider only the following issues in Review Petition:</p> <p><i>i.</i> any discrepancy in figures in the Tariff Order, including grammatical and typographical errors;</p> <p><i>ii.</i> any provision in the Tariff Order which is not in conformity with the Act or Criteria for Bulk Water Tariff or the relevant Rules or the relevant Regulations or these Guidelines;</p>	<p>.....and typographical errors, <b>arithmetic errors</b></p> <p>Modifications suggested in Para 3 (6) be incorporated</p>	<p>Accepted. Words "arithmetical error" shall stand inserted in Clause 6 (a) after "Tariff Order" .</p> <p>Necessary response is given for Clause No. 3 (6).</p>

	<p><i>iii.</i> any other matter incidental or connected thereto which in the opinion of the Authority is required to be dealt with in the interest of stakeholders at large;</p>		
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**Comments/ Suggestions on the draft of the MWRRA (Fixing Criteria for and Issuance of Tariff Orders for Bulk Water) Guidelines, 2019**

**Comments from Shri.Hiralal Mendhegiri (Former Secretary, CAD, WRD)**

<b>Sr. No.</b>	<b>Draft Guidelines</b>	<b>Comments Received</b>	<b>Response of the Authority (Proposed)</b>
1	Para 1 : In exercise of the powers conferred by Section 31 (1) read with Section 11 sub-sections (d)	Reference to the different provisions of Act is required to be mentioned in a manner of "clause (d) of section 11" instead of "section 11 sub-section (d)" and likewise elsewhere.	Accepted. Necessary changes being made.
2	Para 2 Definitions :	The words namely; Authority, Category of Use, State and Utility are already defined in MWRRA Act, 2005. So these may not be necessary to define again in the guidelines. In the definition of Utility, the word 'commercial' is added in the original definition of Act. Such change in Act by way of regulation is not desirable.	The relevant definitions which are already provided in the Act are also reproduced here in the guidelines in addition to new definitions, for ready reference. In Clause (f) of Sub-section 1 of Section 2 of the Act, the word "Commercial" already exist.
3	Para 2 (7) " <b>Bulk Water</b> " means any water supplied	In the definition of Bulk Water, it is not necessary to mention	Accepted. Necessary changes being made.



	on volumetric basis to Water User Associations (WUA) / Local Self Government / Industries / Townships or individual farmer from surface water resources produced by a project, river system or storage facility created or naturally available in the State either in Public or Private Sectors;	the Water User Entity. Thus, the definition may be as follow; “Bulk Water” means any water supplied on volumetric basis <b>to a specific category or Categories of Use</b> , from the surface water resources produced by a river system, project or storage facility created or naturally available in the State either in Public or Private Sectors.	
4	Para 2 (26) : <b>“Stakeholder”</b> means any bulk water user or Entitlement holder or any registered organization representing the interests of any of them;	In the definition of Stakeholder, <b>an individual farmer as an Agricultural User</b> is not included. The clause (d) of section 11 of Act covers beneficiary public.	Accepted. Necessary changes being made.
5	Para 2 (29) : <b>“Water Year”</b> means the year starting from 1 <sup>st</sup> of July of any calendar year and ending on the 30 <sup>th</sup> of June in the next calendar year;	Water Year/ Hydrological Year starts from 1 <sup>st</sup> June, whereas Irrigation Year from 1st July. Water Year is defined in Maharashtra Groundwater (D& M) Act, 2009. The definition of Water Year may be reviewed or substituted by Irrigation Year.	Accepted. The phrase water year is substituted by hydrological year.

6	<p>Para 4 (1) :</p> <p>If aggrieved by the Tariff Order, the Bulk Water Supply Entities or the Bulk Water Users having valid agreement with the Bulk Water Supply Entities and having no arrears of the fees or the water charges on the date of Petition may approach this Authority with Petition by depositing the applicable fees.</p>	<p>In sub-section (1) of section 4 of draft regulation (Procedure for Review of Tariff Order), the precondition namely; "having no arrears of the water charges on the date of petition" is not workable in the initial years of procedure for review. This condition can be considered in a phased manner over a period.</p>	<p>"Provided further that the Authority may allow the Petition, with partial payment of arrears, depending on merits of the case and financial capability of Petitioner" shall stand added in Clause 4 (1).</p>
7	<p>Para 9 :</p> <p><b><i>Applicability of Tariff Order :</i></b></p> <p>The Tariff orders issued by the Authority shall be applicable to all Bulk Water Supplier Entities and Bulk Water User Entities in the respective jurisdiction or any Entity connected thereto in the State of Maharashtra.</p>	<p>In section 9 of draft regulation (Applicability of Tariff Order), Bulk Water User Entities may be replaced with Bulk Water User Entities including an individual farmer as an Agricultural User.</p>	<p>Accepted. Necessary changes are being done.</p>
8	<p>Para 3 (2) :</p> <p>Bulk Water Supply Entity shall submit the Bulk</p>	<p>As per sub-section (2) of section 3 of draft regulation, the Bulk Water Supply Entity is</p>	<p>As provided in the Act, the State Govt. or the RBA can submit tariff proposal for sub-</p>

	<p>Water Tariff proposal along with the supporting data, at least one year before the expiry of the prevailing control period along with the fees notified by the Authority.</p> <p>In the event of failure to submit the tariff proposal in time prescribed in Clause 3(2) above the Authority may suo-moto initiate the tariff review process and recovery of the cost and fees for the same from BWSE.</p>	<p>supposed to submit the Bulk Water Tariff proposal to the Authority along with the processing fees for determination of tariff. It understands that the Bulk Water Tariff will be determined for the project specific in case of Public or Private Entities. The clause (d) of section 11 of Act provides for water tariff at sub-basin, river basin and State level. There 2 is no provision of project specific tariff in the Act. At present, we are determining the water tariff at State level. Thus, these provisions of draft regulation may likely result in far-reaching effects on the water charges of the different regions of the State, in view of justifiable paying capacity of the various Categories of Use as mentioned in clause(r)) of section 11 of Act. In the sub-basin/basin having comparatively lower non-irrigation use, the water charges for agricultural use</p>	<p>basin/basin or state as a whole. However, these guidelines also intend to regulate the tariff of other BWSE who have independently developed their water resources. The object of the Act is to regulate water resources in entire state.</p>
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<b>Comments of Pune Municipal Corporation</b>			
Para 6 (6.1) : The applicable per capita norms for entitlement to DBWU shall be as under : Note 4 : Norms are inclusive of commercial, institutional and minor industry requirements. However, for billing RBAs shall charge DBWU separately for such portion of water supply with applicable rates.	150 LPCD should include Non Domestic demand such as..... 1..... 2.....	The comment is not pertaining to any of the provision in the guidelines.	
<b>Comments of Director, GSDA</b>			
Para 2 (29) : <b>“Water Year”</b> means the year starting from 1 <sup>st</sup> of July of any calendar year and ending on the 30 <sup>th</sup> of June in the next calendar year;	As per definition in Mah. Groundwater (D&M) Act, 2009 under Section 2 (1) (xiii) Water Year/Hydrological Year is 1 <sup>st</sup> June to 31 <sup>st</sup> July of calendar year. Period of water year in the draft guidelines may be suitably modified to match with this.	Accepted. The phrase water year is substituted by hydrological year.	

