

HELD AT _____ ON _____ TIME _____

MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY**Minutes of the 9/2018 Meeting
July 18, 2018 at 12:00 PM**

The 9/2018 Authority Meeting was held under the Chairmanship of Shri. K. P. Bakshi, Chairman, MWRRRA. The following were present:

Members

1. Shri. V. M. Kulkarni, Member (WRE)
2. Shri. Vinodkumar J. Tiwari, Member (Law)
3. Dr. Shivaji T. Sangle, Member (Eco)

Others

1. Dr. S. A. Kulkarni, Secretary
2. Smt. Nasima M. Shaikh, Registrar
3. Shri. P.R. Deshpande, Dy. Director
4. Shri. Rohan Sodal, Dy. Director
5. Ms. Priyanka Iyer, Legal Advisor

As per directions of Hon. Chairman, the following agenda item was placed for discussion.

Item No. 1 : State Government's direction under Section 23 of the MWRRRA Act, 2005 in the matter of MWRRRA's Order dated September 19, 2014 in Case No. 1 of 2014.

Secretary, MWRRRA briefed contents of the Agenda Note. After in depth discussion, the Authority has passed the following resolution;

WHEREAS MWRRRA has disposed the matter of release of water into the Jayakwadi reservoir from upstream reservoirs for the equitable distribution of water in the Godavari sub-basin under Case No. 1/2014 & issued the Order on September 19, 2014;

AND WHEREAS this Order alongwith other issues was challenged in the Hon. High Court at Bombay in PIL 173/2013 & other connected matters and the matter was disposed by Hon. High Court at Bombay on September 23, 2016 wherein the Authority's Order dated September 19, 2014 was upheld;



CHAIRMAN'S INITIALS

HELD AT _____

ON _____

TIME _____

AND WHEREAS, Para 197(o) of the Hon. High Court's Order dated September 23, 2016 reads as under:

(o) It will be open for all the parties to make a representation to the State Government for the exercise of power under Section 23 of the said Act of 2005. If such representations are made, the State Government shall decide the same within a period of two months from today. All pending representations seeking exercise of the power under Section 23 of the said Act of 2005 shall be also decided within the same period.

AND WHEREAS in pursuance to the Para 197(o) of the Hon. High Court's Order dated September 23, 2016, Harishchandra Sahakari Pani Puravatha Sansstheche Sahakari Fedration Ltd. and Sahakarmaharshi Bhausahab Thorat Sahakari Sakhar Karkhana, Taluka Sanganner, District Ahmednagar has made representations to State Government on November 18, 2016 with request to give direction to MWRRRA under Section 23 of the MWRRRA Act, 2005 (herein after 'Act');

AND WHEREAS the State Government vide its letter dated November 27, 2017 has issued direction to the Authority under Section 23 of the Act to amend the Para 10 (b) of the MWRRRA's Order dated September 19, 2014 in Case No. 1 of 2014 with following contents:

"However, K.T. weirs which are not supported by upstream Dams (ie. K.T. weir on which no upstream dam) for those K.T. weirs needles can be placed before 30th October"

AND WHEREAS the MWRRRA vide letter dated December 08, 2017 stated that the State Government has to decide on those representations received within two months from date of Order i.e by end of November 23, 2016 and State Government has given direction on November 27, 2017 i.e. after the aforesaid timeline, and therefore, State Government was requested to seek clarification and / or extension of the timeline from the Hon. High Court for exercising power under Section 23 of the Act;

AND WHEREAS the State Government has filed a Civil Application No. 54/2017 in the Hon. High Court seeking extension of timeline prescribed in its Order dated September 23, 2016 and the said application is still pending;

AND WHEREAS the State Government again vide its letter dated July 2, 2018 has directed the Authority to implement its direction dated November 27, 2017 as there is no stay or adverse finding of the Hon. High Court;



CHAIRMAN'S INITIALS

HELD AT _____ ON _____ TIME _____

AND WHEREAS the mandate of law as provided under Section 23 of the Act casts binding responsibility upon the Authority to act upon the directions given to it by the State Government under Section 23 of the Act;

AND WHEREAS the Authority having reviewed and considered the issue and the latest status, find it prudent to implement the said direction of the State Government issued under Section 23 of the Act and accordingly take up to pass appropriate resolution in its meeting.

RESOLUTION NO 21

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT pursuant to the State Government's direction under section 23 of the Act following addition be inserted at the end of Para 10 (b) of MWRRRA's Order dated September 19, 2014 in Case No. 1 of 2014,

However, needles in K.T. weirs which are not supported by upstream Dams (i.e. K.T. weir on which no upstream dam) can be placed before 30th October.

IT IS FURTHER RESOLVED THAT following addition be inserted at the end of (b) (2) of Column "Explanation by MWRRRA" of the Clarificatory Order issued by the MWRRRA dated November 18, 2014 in Case No. 1 of 2014 (Page 11 of the said order),

However, needles in K.T. weirs which are not supported by upstream Dams (i.e. K.T. weir on which no upstream dam) can be placed before 30th October.

The Resolution along with the Authority's Order enclosed herewith is passed unanimously. The minutes of the this meeting were read and confirmed unanimously.



(Shri. K. P. Bakshi)
Hon. Chairman

CHAIRMAN'S INITIALS _____

HELD AT _____ ON _____ TIME _____

Draft Order

Order No. .../2018

Date : July, 2018

State Government's direction under Section 23 of the MWRRRA Act, 2005 in the matter of MWRRRA's Order dated September 19, 2014 in Case No. 1 of 2014

BACKGROUND

1. The Maharashtra Water Resources Regulatory Authority has disposed the matter of release of water into the Jayakwadi reservoir from upstream reservoirs for the equitable distribution of water in the Godavari sub-basin under Case No. 1/2014 & issued an Order on September 19, 2014. This Order alongwith other issues were challenged in the Hon. High Court at Bombay in PIL 173/2013 & other connected matters and the matter was disposed by Hon. High Court at Bombay on September 23, 2016 wherein the Authority's Order dated September 19, 2014 was upheld.
2. The Para 197(o) of the Hon. High Court's Order dated September 23, 2016 reads as under:
(o) It will be open for all the parties to make a representation to the State Government for the exercise of power under Section 23 of the said Act of 2005. If such representations are made, the State Government shall decide the same within a period of two months from today. All pending

CHAIRMAN'S INITIALS

HELD AT _____

ON _____

TIME _____

representations seeking exercise of the power under Section 23 of the said Act of 2005 shall be also decided within the same period;

3. Accordingly, Harishchandra Sahakari Pani Puravatha Sanstheche Sahakari Federation Ltd. and Sahakarmaharshi Bhausahab Thorat Sahakari Sakhar Karkhana, Taluka Sangamner, District Ahmednagar has made representations to State Government on November 18, 2016 with request to give direction to MWRRRA under Section 23 of the MWRRRA Act, 2005 (herein after 'Act').

4. Based on these representation, the State Government vide its letter dated November 27, 2017 has issued direction to the Authority under Section 23 of the Act to amend the Para 10 (b) of the MWRRRA's Order dated September 19, 2014 in Case No. 1 of 2014 with following contents;

"However, K.T. weirs which are not supported by upstream Dams (i.e. K.T. weir on which no upstream dam) for those K.T. weirs needles can be placed before 30th October"

5. In reply MWRRRA vide letter dated December 08, 2017 stated that the State Government has to decide on those representations received within two months from date of Order i.e by end of November 23, 2016 and State Government has given direction on November 27, 2017 i.e. after the aforesaid timeline, and therefore, State Government was requested to seek clarification and / or extension of the timeline from the Hon. High Court for exercising power under Section 23 of the Act.

6. The State Government has filed a Civil Application No. 54/2017 in the Hon. High Court seeking extension of timeline prescribed in its Order dated September 23, 2016 and the said application is still pending. The State Government again vide its letter dated July 2, 2018 has directed the Authority to implement its direction dated November 27, 2017 as there is no stay or adverse finding of the Hon. High Court

7. The mandate of law as provided under Section 23 of the Act casts binding responsibility upon the Authority to act upon the directions given to it by the State Government under Section 23 of the Act. Hence, the proposal was put for the consideration of the Authority in its meeting dated July 18, 2018 wherein, the issue of Government's direction under Section 23 of the

HELD AT _____

ON _____

TIME _____

MWRRRA Act, 2005 in the matter of MWRRRA's Order dated September 19, 2014 in Case No. 1 of 2014 was discussed. The Authority having reviewed and considered the issue and the latest status, find it prudent to implement the said direction of the State Government issued under Section 23 of the Act and hence the following order is being issued.

ORDER

a) In pursuant to the State Government's direction under section 23 of the Act following addition is inserted at the end of Para 10 (b) of MWRRRA's Order dated September 19, 2014 in Case No. 1 of 2014,

However, needles in K.T. weirs which are not supported by upstream Dams (i.e. K.T. weir on which no upstream dam) can be placed before 30th October.

b) Also following addition is inserted at the end of (b) (2) of Column "Explanation by MWRRRA" of the Clarificatory Order issued by the MWRRRA dated November 18, 2014 in Case No. 1 of 2014 (Page 11 of the said order),

However, needles in K.T. weirs which are not supported by upstream Dams (i.e. K.T. weir on which no upstream dam) can be placed before 30th October.

(S. T. Sangale)
Member (Economics)

(V. J. Tiwari)
Member (Law)

(V. M. Kulkarni)
Member (WR
Engineering)

(K. P. Bakshi)
Chairman