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**MAHARASHTRA WATER RESOURCES REGULATORY
AUTHORITY**

**Minutes of the 5/2017 Meeting
14th November 2017; 11.00hrs**

The 5/2017 meeting of the MWRRRA was held under the Chairmanship of Shri K.P.Bakshi, Chairman on 14th November 2017 at 11.00hrs in the Conference Hall of MWRRRA, Mumbai. The following were present;

1. Shri.V.M.Kulkarni, Member (WR, Engg)
2. Dr.S.A.Kulkarni, Secretary
3. Shri.S.D.Kulkarni, Director
4. Smt.Nasima M.Shaikh, Registrar
5. Shri.P.R.Deshpande, Dy.Director
6. Shri.Rohan Sodal, Dy.Director
7. Shri.P.R.Thote, Asstt.Director
8. Shri.K.N.Deshmukh, Asstt.Director
9. Shri.P.R.Khire, Consultant

At 11.00a.m. the Chairman called the meeting to order and the agenda items as approved by the Chairman were placed for discussion.

Item No.1: To confirm the minutes of the meeting of MWRRRA held on 24/10/2017.

The minutes of the meeting of MWRRRA held on 24/10/2017 were confirmed unanimously.

Item No.2: To discuss and review the earlier decision of the Authority dated 13/10/2015 "to stay the clearance accorded to the projects by MWRRRA under Section 11(f)".



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2.1 As per Section 11(f) of the MWRRRA Act, 2005, Authority's clearance is required for the construction of new water resources projects before according A.A. by the Government. MWRRRA has cleared 191 projects in the State during the period 2007-08 to 2014-15. Of these, 20 projects (1 major, 17 medium & 2 water supply projects as per the attached statement) have been accorded clearance by MWRRRA subject to the condition of seeking environmental and forest clearance. The prevalent directives of the MoEF has made it possible to exempt 2 water supply projects viz. Kikwi & Shai from the requirement of seeking such clearance.

However, as the River Basin Agency concerned did not submit the Environmental and Forest Clearance pertaining to the 18 water resources projects within a stipulated time period, MWRRRA had stayed the clearance accorded to those projects vide its letter dated October 13, 2015. MWRRRA had instructed not to carry out any work or incur any expenditure on these projects till the said clearances are obtained. One project viz. Umbarada Bazar LIS (District Washim) has been cancelled by the VIDC, Nagpur.

Subsequently, the River Basin Agencies have submitted the status of environment and forest clearance by MoEF in respect of 16 projects. EC & FC clearance status of Mangalwedha project is still awaited.

As per Section 12(10) of MWRRRA Act 2005, Authority is required to strive to make water available to the drought prone (DP) area of the state and also to ensure that the adequate funds are made available to DP area. As Mangalwedha Lift Irrigation Scheme (Dist: Solapur) lies in the DP area Authority felt that the stay to the clearance of Mangalwedha is also required to be vacated despite non-receipt of the status of EC & FC clearance.

2.2 In light of the above, the issue of stay on the clearance of these 17 projects was discussed at length during the meeting. Authority considered it necessary to vacate the said stay.

In this regard, it was also brought to the notice of the Authority that as per the provision in Section 2 of the Forest (Conservation) Act 1980, it is



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the responsibility of Project Officer and the State Government to take prior approval of the competent authority to use any forest land for non-forest purpose. Further, as per Section 2 of the Notification issued by the MoEF, Gol dated September 14, 2006 under powers conferred by the sub-section (1) and clause (v) of the Section 3 of the Environmental (Protection) Act 1986, the responsibility of seeking prior EC rests with the project management.

2.3 In view of the above discussions and referring to the powers conferred to the Authority in Section 13 (f) of the MWRRRA Act, 2005, Authority can review orders issued by itself. Accordingly, a policy decision to withdraw the stay in respect of the 17 projects was taken in the meeting. A Resolution to that effect is adopted as shown in the Resolutions section of this minutes.

Item No.3: To extend the Consultancy Services of the Consultant appointed by MWRRRA to any other Agencies, Departments or Organizations of the Government of Maharashtra, and other States and Government of India.

3.1 The MWRRRA after following the due procedure has appointed a Consultancy Firm for advising the MWRRRA or its Chairman/Members on various matters related to their official activities. MWRRRA or its Chairman/Members may require to undertake certain studies, assignments, report preparations as asked by the Government of Maharashtra or requested by other Government Departments, their Undertakings/Agencies. Government Departments, Undertakings/Agencies from other States, including those of the Central Government may also be requiring help from MWRRRA or from its Chairman/Members in their individual capacity, recognizing the level of expertise available with the them.

The State Government of Maharashtra has already assigned certain tasks to its Chairman, in his individual capacity, recognizing his expertise and experience in the areas of Balanced Planning of the State, Preparation

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of Integrated State Water Plan, Administration, Planning & Finance. More assignments may be given to MWRRRA/ its Chairman/Members in their individual capacity, by Government of Maharashtra or by Central Government/other State Governments/their Undertakings/Agencies in future. While in the case of MWRRRA /its Chairman/Members such assignments are likely to, directly or indirectly enrich the Authority as also the Chairman/Members and other professionals in areas related to its mandate bestowed by the MWRRRA Act, in the case of assignment in individual capacity the assignment may be related to their personal experience/expertise/skills and will also enrich their experience. In such a case, the MWRRRA/its Chairman/Members may require support of consultants. It will be prudent and will be in the interest of MWRRRA to extend such services of the empanelled Consultant/Consultancy Firm to them, not only because it serves a larger public interest but also because it will help in enrichment of the concerned in gaining more expertise/experience/skills.

Therefore, MWRRRA needs to have a policy in place so as to decide how the services of the appointed Consultant/Consultancy Firm can be extended.

3.2 The subject matter was deliberated at length in the 4/2017 meeting dated October 24, 2017 and it was agreed to frame a comprehensive policy for extending the services of its Consultant/Consultancy Firm.

3.3. Accordingly the draft policy was placed before the Authority for its considerations. The policy consists of the various categories of Governments/ Undertakings and agencies to whom consultancy service to be provided, the deliverables and payments to be decided, and administrative and sundry charges to be paid and other terms and conditions. The policy was discussed at length and then adopted by passing a resolution as shown in the Resolution Section of the minutes.

Item No.4: Finalization of the new logo of MWRRRA



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4.1 Maharashtra Water Resources Regulatory (MWRRA) was set up in June 2005 by the Government of Maharashtra under MWRRA Act, 2005. The actual functioning of the office however, commenced in August 2006. Until April 2007, there was no logo of the Authority so the then Authority at its second meeting held on April 12, 2007, has selected a logo which is being used since then.

The State Government in June 2014 has given an additional responsibility of regulation of State's groundwater resources under the Groundwater (Development & Management) Act, 2009 to MWRRA. With this development, the Authority suggested to change the present logo so as to incorporate the features of both surface water and groundwater resources. It was proposed to include 'text' of three main users of water resources viz. agriculture, domestic and industry in the logo. It was also suggested that the logo should be simple and has minimum text and pictures so that even after its reduction to smaller image, its features should be clearly visible. Accordingly, Secretary, MWRRA has prepared a couple of draft designs which were further refined by the professional designer of the KPMG Consulting Firm.

4.2. During the meeting held on 24 October 2017, two variants of the final draft version of the MWRRA Logo as received from the professional designer were placed before the Authority. Authority selected one of the designs and suggested a few additions/ changes. The revised final design of the logo was presented in the meeting, which was unanimously approved.

4.3 The Authority adopted a resolution accepting the new MWRRA logo (as enclosed) for its official use with effect from 1st December 2017. The resolution is listed in the Resolution Section of the minutes.

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RESOLUTIONS**Resolution No.9**

WHEREAS as per the provision in Section 2 of the Forest (Conservation) Act 1980, it is the responsibility of project officer and the State Government to take prior approval of the competent authority to use any forest land for non-forest purpose;

AND WHEREAS as per the provision of Section 2 of the Notification issued by the MoEF, Gol dated September 14, 2006 under powers conferred by the sub-section (1) and clause (v) of the Section 3 of the Environmental (Protection) Act 1986, the responsibility of obtaining prior Environmental Clearance (EC) lies on the project management;

AND WHEREAS one project viz. Umbarda Bazar LIS (District Washim) is proposed to be cancelled;

And WHEREAS the project officers have submitted the information sought by the Authority regarding status of FC & EC vide Authority's letter dated 13/10/2015;

NOW THEREFORE RESOLVED IT IS THAT the stay given to the clearance accorded to the water resources projects by MWRRRA under Section 11(f) of the MWRRRA Act, 2005 vide its letter dated October 13, 2015 is hereby vacated subject to condition that Government shall incorporate these 17 projects (enlisted in Annexure – A) in the Integrated State Water Plan and shall comply with the provisions under the Forest (Conservation) Act, 1980 and the Environmental (Protection) Act, 1986.



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Resolution No. 10

IT IS RESOLVED THAT the policy to extend Services of the Consultant / Consultancy Firm appointed by the MWRRRA to any of the Undertakings, Agencies, Departments or Organizations of Government of Maharashtra, and of other States and of Government of India as placed at **Annexure B** is hereby approved.

Resolution No. 11

IT IS RESOLVED THAT the new version of the MWRRRA Logo as presented in the Authority's 5/2017 meeting held on 14 November 2017 is hereby approved (**Annexure C**). The new logo shall be used in all official communications (Letter heads, reports, documents, website, envelopes, visiting cards, etc.) w.e.f. 1 December 2017.



(Shri K. P. Bakshi)
Chairman, MWRRRA

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Statement

List of Projects for which Environmental Clearance to be sought

Sr. No.	Name of Project	District	ICA in ha	Status of the Approval to E & F clearance	Whether district belongs to backlogarea?	Date of MWRRA Clearance
1	Mangalwedha (Major) Lift Irrigation Scheme	Solapur	11,820	Awaited	No	13/08/2014
2	Sahastrakund Hydro-electric (Multi-purpose) Project	Nanded	9,500	Action under process	No	17/07/2009
3	Purna Barrage No. - 2 (Ner-Dhamana)	Akola	6,954	AA accorded	Yes	13/10/2008
4	Kotgal (Medium) Barrage	Gadchiroli	6,620	Action under process	No	29/07/2011
5	Ghungshi Barrage	Akola	6,343	AA accorded	Yes	05/12/2008
6	Wardha Barrage (Hadgaon) Project	Yavatmal	5,663	AA accorded	No	17/10/2008
7	Uma Barrage	Akola	5,510	Proposal put up to SEAC for approval	Yes	14/08/2007
8	Rajiv (Medium) LIS	Gadchiroli	5,100	Action under process	No	05/02/2010
9	Dindora (Medium) Barrage	Chandrapur	4,800	AA accorded	No	13/08/2014
10	Wasni(Bk) Medium Project	Amravati	4,317	Proposal Put up to SEAC for approval	Yes	22/01/2008
11	Garga Medium Project	Amravati	4,281	Proposal Put up to SEAC for approval	Yes	05/11/2008
12	Katepurna Barrage	Akola	4,137	Already approved	Yes	14/08/2007
13	TakliDolari Medium Project	Yavatmal	3,421	Already approved	No	08/11/2008
14	Tedhava - Shivni L.I.S.	Gondia	3,292	Already approved	No	09/04/2008



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Sr. No.	Name of Project	District	ICA in ha	Status of the Approval to E & F clearance	Whether district belongs to backlog area?	Date of MW/RRRA Clearance
14	Tedhava – Shivni L.I.S.	Gondia	3,292	Already approved	No	09/04/2008
15	Umbarada Bazar L.I.S. (Medium)	Washim	2,525	Project Cancellation proposed	Yes	02/01/2009
16	Pentipaka (Medium) LIS	Gadchiroli	2,310	Action under process	No	26/08/2010
17	Pedhi Barrage Project	Amravati	2,232	AA accorded	Yes	09/01/2008
18	Shantigram (Medium) LIS	Gadchiroli	2,100	Action under process	No.	24/12/2009
19	Shai River Project (Water Supply)	Thane	-	-	No.	12/11/2008
20	Kikvi Project (Water Supply)	Nashik	-	-	No.	10/06/2009

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Annexure- A

List of the Projects Where Clearance Given Under Section 11 (f) is restored by Vacating the Stay

Sr. No.	Project	District	Status of EC& FC	Belongs to backlog area (Yes/No)
1	Mangalvedha LIS	Solapur	Awaited	No
2	Sahastrakunda HE Project	Nanded	Action under process	No
3	Purna Barrage 2 (Ner-Dhamana)	Akola	AA accorded	Yes
4	Kotgal Barrage	Gadchiroli	Action under process	No
5	Gungashi Barrage	Akola	AA accorded	Yes
6	Wardha Barrage (Hatgaon)	Yeotmal	AA accorded	No
7	Uma Barrage	Akola	Proposal put up to SEAC for approval	Yes
8	Rajeev LIS	Gadchiroli	Action under process	No
9	Dindora Barrage	Chandrapur	AA accorded	No
10	Wasani (b) Project	Amaravati	Proposal Put up to SEAC for approval	Yes
11	Garga Project	Amaravati	Proposal Put up to SEAC for approval	Yes
12	Katepurna barrage	Akola	Already approved	Yes
13	TakaliDolari Project	Yeotmal	Already approved	No
14	Tedhwa LIS	Gondia	Already approved	No
15	Pentipaka LIS	Gadchiroli	Action under process	No
16	Pedhi Barrage	Amaravati	AA accorded	Yes
17	Shantigram LIS	Gadchiroli	Action under process	No.



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Annexure-B

Policy to extend the Consultancy Services of the Consultant appointed by MWRRRA to any other Agencies, Departments or Organizations of the Government of Maharashtra, and other States and Government of India.

1. Categories to whom consultancy services are to be provided:

- (a) To Government of Maharashtra or its Undertakings/Agencies;
- (b) To Central Government or its Undertakings/Agencies;
- (c) To other State Governments or their Undertakings/Agencies;
- (d) To Chairman/Members of the MWRRRA in their individual capacity as experts to complete the assignments given by the Government.

2. The Deliverables/Payments to be decided:

- (a) The deliverables and the associated payments will be clearly spelt out in the agreement between MWRRRA and the agency/authority which is assigning the task to MWRRRA. The terms and conditions of such agreement shall be consistent with the agreement between MWRRRA and the Consultancy Firm.
- (b) The MWRRRA will not be required to do any scrutiny of the deliverables or the associated payments and MWRRRA will release payments on issuance of certificate by the assigning agency regarding acceptance of the deliverables (sign off).
- (c) MWRRRA shall not be responsible for any defect, accuracies, quality and timelines of deliverables.
- (d) Normally, no dispute between the assigning agency and the Consultant/Consultancy Firm, of whatsoever nature, will be entertained by the MWRRRA. However, if a joint request in writing



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from both the disputing parties is received, the Chairman MWRRRA, may in his sole discretion, try to amicably resolve the dispute either himself or through a Member/officer of the MWRRRA nominated by him provided further that, MWRRRA, shall not be liable for any financial liability arising out of dispute between assigning agency and the Consultant.

3 Administrative and sundry charges to be levied:

(a) In case of Central Government/their Undertaking/Agencies or any other State Governments/their Undertakings/Agencies- a maximum of 5% of the total amount to be paid to the MWRRRA.

(b) In case of Maharashtra Government/their Undertakings/Agencies- a maximum of 3% of the total amount to be paid to the MWRRRA.

(c) In case, in future any tax is payable as per the then prevailing law, it will be borne by the assigning authority.

4. Other Conditions and Provisions

a) The Chairman MWRRRA, may in his sole discretion, either approve the request for accepting such assignments or reject the same with or without assigning any reasons whatsoever. However, in case the assignment is accepted, the Chairman will not alter the deliverables, their timelines or the associated payments to the advantage of either party without prior consent of the other party.

b) No personal remuneration/allowances shall be payable to the Chairman/Members, if the assignment by Central/State Governments/their Undertakings/Agencies/ are given to them in their individual capacity.

c) The total consultancy amount as received by the assigning agency will be deposited in a separate new account of MWRRRA. While the



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amount towards administrative and sundry charges shall be credited to the miscellaneous account of MWRRRA.

d) The utilization of funds accumulated in the MWRRRA miscellaneous account shall be regulated as per the *regulation* framed by MWRRRA in that regard.

e) The above policy shall take effect from the date on which the MWRRRA has entered into the agreement with the Consultant/Consultancy Firm or from the date on which the assignment has been accepted by any of the above, whichever is earlier.

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ANNEXURE - C

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