

MAHARAHSTRA WATER RESOURCES REGULATORY AUTHORITY
Minutes of 01/2023 Authority Meeting
18th January, 2023 Time 01:00 p.m.

The Chairperson Dr. Sanjay Chahande and the following Members attended the meeting:-

- | | |
|-----------------------------|--------------|
| i. Shri. Sanjay Kulkarni | Member (WRE) |
| ii. CA. Shwetali Thakare | Member (Eco) |
| iii. Dr. Sadhana Mahashabde | Member (Law) |

Other Officers:-

- | | |
|------------------------------|------------------------|
| i. Dr. Ramnath Sonawane | Secretary |
| ii. Shri. Rohan Sodal | Dy. Director |
| iii. Shri Arunkumar Kalkhair | Administrative Officer |
| iv. Anita Dethe | Accounts Officer |

The Secretary welcomed the Chairperson and all the members present in the meeting. The Chairperson after ascertaining the requisite quorum called the meeting to order to take up the following agenda items for discussion, deliberation and decisions.

ITEM NO. 1

To confirm the minutes of previous 07/22 Meeting held on 08/12/2022.

The minutes of 07/22 Authority Meeting were confirmed unanimously excluding the Agenda Item No. 6 and Resolution No. 140. Item No. 6 is deferred till the next meeting.

ITEM NO. 2

Govt. Resolution/Correspondence for Information or adoption;

2.1. राज्य शासकीय अधिकारी/कर्मचा-यांना शासकीय कामकाजास्तव हॉटेल वास्वव्यासाठी देय असलेल्या दैनिक भत्याच्या दरांत सुधारणा करणेबाबत महाराष्ट्र शासन वित्त विभाग शासन निर्णय, क्र. प्रवास- २०२२/प्र.क्र०३/२०२२/सेवा-५ दि. ७ ऑक्टोबर, २०२२.

2.2. महाराष्ट्र माहिती तंत्रज्ञान महामंडळाकडून तांत्रिक मनुष्यबळ उपलब्ध करण्याबाबत महाराष्ट्र शासन सामान्य प्रशासन (माहिती तंत्रज्ञान) विभाग शासन निर्णय क्रमांक मातंसं २०२२/प्र.क्र.४७/से-२/३९ दि. २७ सप्टेंबर २०२२.

2.3. महाराष्ट्र शासन सामान्य प्रशासन विभाग शासन निर्णय क्र. १२२२/ प्र.क्र. १३६ /का. १३ अ-दुय्यम सेवा निवड मंडळांच्या कक्षेतील (महाराष्ट्र लोकसेवा आयोगाच्या कक्षेबाहेरील) गट -ब (अराजपत्रित) गट - क व गट -डसंवर्गातील निर्देशनाच्या कोटयतीलपदे टी.सी.एस व आय.बी.पी.एस या कंपनीमार्फत राबविणेबाबत.

2.4. महाराष्ट्र शासन, सामान्य प्रशासन विभाग, शासन निर्णय क्र. कअनि- ११२२/प्र.क्र.९७/१४-ब जलसंपदा विभागाच्या अधिपत्याखालील महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण, मुंबई या कार्यालयातील कक्ष अधिका-याचे रिक्त पदमंत्रालयीन संवर्गातील कक्ष अधिका-यामधून प्रतिनियुक्तीने भरण्याबाबत.

2.5. राज्य शासकीय व इतर पात्र कर्मचा-यांना अनुज्ञेय महागाई भत्याच्या दरात दिनांक १ जुलै, २०२२ पासून सुधारणा करण्याबाबत.

The Authority has perused the contents of the above mentioned Government Resolutions and unanimously decided to adopt the Govt. Resolutions mentioned at 2.1, 2.2 and 2.5. The GR mentioned at 2.3 is adopted in principle however the process of recruitment will be subject to the provisions mentioned in sanctioned regulations of the Authority.

With respect to the GR mentioned at 2.4 the Authority has taken the note of the said GR.

ITEM No.3

Action Taken Report –

- 3.1. Statement of Accounts submitted to Accountant General for Audit as contemplated u/s 19 of the MWRRA Act 2005.
- 3.2. Budget for FY 2022-23 and 2023-24 submitted to WRD as contemplated u/s 17 of the MWRRA Act 2005.
- 3.3. Painting and Repairing work of Office of the Chairperson completed.

The Secretary appraised the Authority about the actions taken in pursuance to the Resolutions passed by the Authority with respect to above mentioned agenda items 3.1, 3.2 and 3.3.

ITEM No. 4

Clearance given to Water Resources Projects for information;

- 4.1. Betekar Bothali Height Raising Project, Taluka- Mohadi, District- Bhandara.
- 4.2. Krishna-Koyna Lift Irrigation Project (Major) u/s 11(f) of MWRRA Act 2005 for information.

The Authority has earlier given the clearances to above projects by circulation of files dated 09/11/2022 for 4.1 and dated 15/12/2022 for 4.2 respectively. The Authority has taken note of the Clearances given to above mentioned Water Resources Projects u/s 11(f) of the MWRRA Act 2005.

ITEM No. 5

To appraise the Authority about the order of Hon' High Court, at Bombay, Nagpur Bench in WP No. 3517/2020 and take decision regarding proceedings before the Authority.

The Secretary submitted that, a detailed office note along with the Petition No. 3517/2020 filed before the Hon'ble High Court at Bombay, Nagpur Bench and the orders passed by the Hon'ble High Court from time to time. The Authority has carefully considered various legal provisions pertaining to the issues involved in the suo moto petition admitted by the Authority and the Petition filed by Nagpur Municipal Corporation against the order of the Authority dated 10/12/2020 in the Hon'ble High Court in its Order dated 18/12/2020 observed that,

"We have perused Section 11 of the Maharashtra Water Resources Regulatory Act, 2005 and also the order passed by this Court on 21st March, 2018 in PIL No. 96 of 2017. On perusal thereof, prima facie, we would agree with the submissions of the learned Senior Advocate Shri. Kaptan. Prima facie, we find that respondent no. 2 ought not to have issued directions when this Court had already issued specific directions in

a comprehensive manner and when Section 11 did not permit the authority to issue any such directions”.

“Meanwhile, petitioner and respondent no. 1 to place on record details about the steps taken by them for implementing directions given by this Court in PIL No. 96 of 2017 on 21st March 2018.”

The Hon’ble High Court in its next hearing in the same Petition No. 3517/2020 dated 19/01/2021 directed as;

“It will be appropriate that a joint meeting is held between the Secretary of Maharashtra Water Resources Regulatory Authority and the Commissioner, Nagpur Municipal Corporation either physically or through video conference to find out whether the issue can be resolved amicably.

As per Hon’ble High Courts above directions a joint meeting between Secretary, MWRRA and Municipal Commissioner, NMC Nagpur was conducted online on 29/01/2021. Para 3 of the above minutes of the meeting stated as;

“Secretary MWRRA Submitted that at present, the posts of the Chairperson and 3 Members are vacant and only one post of Member (WRE) is filled. The Authority, comprising of Chairperson and 4 Members, have the power to adjudicate the matter and as per the Regulation 11(3) of MWRRA (Conduct of Business) Regulation, 2013, the quorum for the proceeding should be at least two Members. The Secretary, MWRRA is not empowered to withdraw the Interim Order or take any decision with regard to the Petitions / Appeals filed before this Authority in view of Section 8 of MWRRA Act, 2005 read with Regulation 7 of MWRRA (Conduct of Business) Regulatory 2013.

Para 2 of the minutes of the meeting of above online meeting also states that, “Municipal Commissioner submitted that an administrative approval has been granted to the task of safety and strengthening of Ambazari Dam for amount of Rs. 21,06,92,843/-. Also an amount of Rs. 3,14,58,046/- has been transferred to Nagpur Irrigation Department for construction of Wing/Retaining Wall at Right Bank of Spill channel and cut-off-wall, E.D.A and protections of aprons on D/s of waste weir.

In the light of the above observations, the Authority would not like to pursue the matter. The Secretary is directed to communicate this decision to advocate Smt. Mugdha Chandorkar, appearing on behalf of the Authority.

Resolution No. 144

It is resolved that, considering the observations of the Hon’ High Court in its order dated 18/02/2020 in WP No. 3517/2020 that,

“Prima facie, we find that respondent no. 2 ought not to have issued directions when this Court had already issued specific directions in a comprehensive manner and when Section 11 did not permit the authority to issue any such directions”

The Authority would not like to pursue the matter. The Secretary is directed to communicate this decision of the Authority to the Hon' Court in appropriate way.

ITEM No. 6

To consider letters/representations received from;

- 6.1. Directorate of Sugar and Vegetable Oils, Department of Food and Public Distribution, GoI dated 07/12/2022.
- 6.2. Letter of Shri. Vijaysinh Mohite Patil through Govt. of Maharashtra WRD/Misc-2022/(144/22)/Imp dated 12/12/2022.
- 6.3. Letter of Shri. Ranjitsinh Mohite Patil through Govt. of Maharashtra WRD/Misc-2022/(298/22)/Imp dated 13/12/2022.

The Secretary submitted that, a detailed office note along with letters mentioned above and representations attached therewith have been circulated for the consideration of the Authority. He submitted that, the basic issues raised through these representations is about classification of water as "raw material" for water used by Industries categorized as distilleries, breweries, wineries and levy of Water charges at higher rates as compared to water used by other Industries categorized as "processing".

The Secretary further submitted that, the Authority has followed the procedure for fixing criteria for Bulk Water Tariff as stipulated in Section 11(d) and 11(u) read with Para 3 of the Maharashtra Water Resources Regulatory Authority (Fixing Criteria for and Issuance of Tariff Orders for Bulk Water) Guidelines, 2019.

The Secretary further submitted that, after the issuance of Tariff Order on 29/03/2022, the Bulk Water Supply Entity (BWSE) or Bulk Water User Entity (BWUE) have not submitted any review petitions to the Authority within the time limit of 45 days as stipulated in para 4(2) of Maharashtra Water Resources Regulatory Authority (Fixing Criteria for and Issuance of Tariff Orders for Bulk Water) Guidelines, 2019. In order to ascertain the views of beneficiary public, the draft Bulk Water Tariff Criteria and the draft Bulk Water Tariff Proposal were kept in public domain and the views/comments received from the Stakeholders were considered. Nearly 35 stakeholders offered their views/comments related to the issue under consideration and the Authority has dealt with these issues in accordance with the procedure led down in the Approach Paper and Para 3 of the Guidelines.

In view of the facts mentioned above the Authority is of the opinion that the Authority followed comprehensive and due process while fixing the tariff and the issues raised in these representations have been duly considered. The Secretary is directed to communicate the opinion of the Authority to the Director of Sugar and Vegetable Oils, Department of Food and Public Distribution, GoI and Water Resources Department, GoM.

Resolution No. 145

It is resolved that, the Secretary is directed to communicate the detailed procedure adopted by the Authority while fixing the Bulk Water Tariff and reply to each point raised in the representations, to Water Resources Department, GoM

and copy of the said communication to WRD be sent to the Director of Sugar and Vegetable Oils, Department of Food and Public Distribution, Gol.

ITEM No. 7

To discuss and decide the appointment of Mrs. Mansi Vikas Parab for the post of Steno (Lower Grade) in MWRRA.

The Secretary submitted that a detailed note pertaining to this subject has already been circulated. The Authority has gone through the facts and the relevant provisions related to recruitment for the post of Steno (Lower grade), in view of the relevant provisions, the appointment of Smt. Mansi Parab be continued till 31st March 2023.

Resolution No. 146

It is resolved that, the appointment of Smt. Mansi Parab be continued till 31st March 2023.

ITEM No. 8

To consider the proposal for appointment of two candidates selected through interview held in year 2019-2020 for the posts of Steno (Lower Grade).

The Secretary submitted that a detailed note pertaining to this subject has already been circulated. The Authority has gone through the facts and the relevant provisions related to recruitment for the post of Steno (Lower grade). The Authority also noticed that as per Appendix- A of Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services and Employees Regulation 2013) there are two post of Steno (Selection Grade) and two posts of Steno (Higher Grade). The posts of Personal Assistants were downgraded to the post of Steno (Lower Grade). The Authority is of the opinion that, the posts of Personal Assistants were sanctioned in the pay scale of 15,600- 39,100 (Grade Pay 6,600 in sixth pay commission) which is equivalent to Group A (Class I) in the State Government. In view of the functional requirements, the two downgraded posts need to be restored as Personal Assistant as per its original designation and re-designated as mentioned below;

- 1). Personal Secretary to Chairman as re-designated vide office order no. मजनिप्रा/आस्था/पदनिर्देशन/2017/313 dated 03/07/2017.
- 2). One post to be re-designated as Under Secretary for Administrative purpose.
- 3). One post to be re-designated as Under Secretary (Law) to assist the Authority in legal matters.

Thus, there are only two sanctioned posts of Steno (Selection Grade) and two Sanctioned posts of Steno (Higher Grade). Smt. Shashi Dambare has been working as Steno (Higher Grade) on deputation and other three candidates have been working on the posts which have already been downgraded as Steno (Lower Grade), as such there is not any sanctioned post of Steno (Lower Grade). Therefore, the proposal for recruitment of these two candidates cannot be considered now.

Resolution No. 147

It is resolved that, the proposal for the appointment of two candidates for the posts of two Steno (Lower Grade) need not be considered.

ITEM No. 9

To consider and decide the explanation given by Mr. Vishwadeep Karanjikar, Assistant Director in response to the notice issued.

The Secretary submitted that a detailed note pertaining to this subject has already been circulated. The Authority is of the opinion of that in view of the explanation given and the resignation given by Shri. Vishwadeep Karanjikar, no further action is required.

ITEM No. 10

To consider the notice of resignation given by Shri. Vishwadeep Karanjikar and to take decision about the acceptance of his resignation.

The Secretary submitted that a detailed note pertaining to this subject has already been circulated and Shri. Vishwadeep Karanjikar has been relieved from the services of the Authority on 16.01.2023 subject to post facto approval of the Authority. The Authority discussed about the resignation of Mr. Karanjikar and had unanimously accepted his resignation with effect from the date of relieving.

Resolution No. 148

It is resolved that, post facto approval is hereby given and the resignation of Shri. Vishwadeep Karanjikar is accepted with effect from 16/01/2023.

ITEM No. 11

To consider the notice of resignation given by Shri. Dilip Patole and to take decision about the acceptance of his resignation.

The Secretary submitted that a detailed note pertaining to this subject has already been circulated.

Resolution No. 149

It is resolved that, the resignation of Shri. Dilip Patole is hereby accepted with effect from 18/01/2023.

ITEM No. 12

To review the vacant posts of Officers and Staff and to take decision about recruitment.

The Secretary submitted that a detailed note pertaining to this subject has already been circulated. The Secretary further circulated the following details;

1. Number of sanctioned posts, filled and vacant posts.
2. Status of posts re-designated.
3. Status of posts downgraded.
4. Proposal submitted to WRD for restoration of downgraded post of Sr. Director.

The Authority has taken a review of the sanctioned and vacant posts and also referred relevant provisions of Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services and Employees Regulation 2013).

The Secretary has proposed to restore some of the following posts as per Appendix –A of the Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services and Employees) Regulation 2013.

Sr. No	Name of the post as per Appendix-A	No. of Sanctioned Posts	Name of the Post as re-designated/downgraded by the Authority	Decision required to be taken by the Authority
1	2	3	4	5
1.	Personal Assistant	3	(a). Personal Secretary to Chairman (b). Two posts downgraded and re-designated as Steno (Lower Grade)	(a). To be retained as re-designated. (b). These two posts to be restored in original Pay Scale and re-designated as Under Secretary.
2.	Dy. Director	4	Out of 4 sanctioned posts, one post was re-designated as Dy. Director (Law). However, the educational qualification, experience and other conditions of appointment were not stipulated and the recruitment to the said post	The re-designated post of Dy. Director (Law) to be retained as per regulations.
3.	Steno (Selection Grade)	2	These two posts were downgraded and re-designated as Steno (Lower Grade)	To be retained as Steno (Lower Grade) in the lower pay scale.
4.	Section Officer	2	Out of these two posts, one post was re-designated as Administrative Officer in the same pay scale.	Both these posts to be retained as Section Officer as per Regulations. (Appendix- A entry 9)
5.	Clerical Assistant	2	Out of these two posts, one post was re-designated as Assistant Section Officer in the same pay scale.	Both these posts to be retained as Clerical Assistant as per Regulations. (Appendix- A entry 12)
6.	Cashier	1	This post was re-designated as Clerk cum Typist in the same pay scale.	To be retained as re-designated post.

The Secretary also proposed to recruit the following posts considering the urgency and need for effective functioning.

Sr. No.	Designation	No. of posts
1	Director	2
2	Dy. Director (Economics)	1
3	Dy. Director (EER)	1
4	Dy. Director (Ground Water)	1
5	Assistant Director (Enforcement)	1
6	Assistant Director (Tariff)	1
7	Assistant Director (Entitlement)	1
8	Under Secretary	2
9	Section Officer	2
	Total	12

The Secretary brought to the notice of the Authority that even though the post of Sr. Director has been downgraded as Dy. Director (Ground Water), the regulations do not stipulate the Age, Educational qualification, Experience and other conditions of service of the said post.

The Authority suggested that, the conditions of services applicable to relevant Government Department be adopted for the process of recruitment.

The Authority suggested that for one of the posts of Under Secretary a candidate possessing degree in Law should be preferred.

In view of above deliberations the Authority hereby resolves that,

Resolution No. 150

It is resolved that, the Authority takes a decision as stated in column 5;

Sr. No	Name of the post as per Appendix-A	No. of Sanctioned Posts	Name of the Post as re-designated/downgraded by the Authority	Decision of the Authority
1	2	3	4	5
1.	Personal Assistant	3	(a). Personal Secretary to Chairman (b). Two posts downgraded and re-designated as Steno (Lower Grade)	(a). To be retained as re-designated. (b). These two posts to be restored in original Pay Scale and re-designated as Under Secretary.
2.	Dy. Director	4	Out of 4 sanctioned posts, one post was re-designated as Dy. Director (Law). However, the educational qualification, experience and other conditions of appointment were not stipulated and the recruitment to the said post	The re-designated post of Dy. Director (Law) to be restored as Dy. Director per regulations.
3.	Steno (Selection Grade)	2	These two posts were downgraded and re-designated as Steno (Lower Grade)	To be retained as Steno (Lower Grade) in the lower pay scale.
4.	Section Officer	2	Out of these two posts, one post was re-designated as Administrative Officer in the same pay scale.	Both these posts to be retained as Section Officer as per Regulations. (Appendix- A entry 9)
5.	Clerical Assistant	2	Out of these two posts, one post was re-designated as Assistant Section Officer in the same pay scale.	Both these posts to be retained as Clerical Assistant as per Regulations. (Appendix- A entry 12)
6.	Cashier	1	This post was re-designated as Clerk cum Typist in the same pay scale.	To be retained as re-designated post.

It is further resolved that, the secretary is directed to initiate the process of recruitment through Walk-in interviews for the following posts;

Sr. No.	Designation	No. of posts
1	Director	2
2	Dy. Director (Economics)	1
3	Dy. Director (EER)	1
4	Dy. Director (Ground Water)	1
5	Assistant Director (Enforcement)	1

6	Assistant Director (Tariff)	1
7	Assistant Director (Entitlement)	1
8	Under Secretary	1
9	Section Officer	2
	Total	11

It is further resolved that, the Secretary is directed to prepare and submit the draft Public Notice to be published in the newspaper for conducting “walk-in interviews”.

ITEM No. 13

Any other subject with the approval / permission of the Chairperson.

With the permission of the chairperson and the member present following items were also discussed and decided in the meeting.

13.1. To consider the draft of proposed amendment to Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services of Employees) Regulation 2013.

The Secretary submitted the draft of proposed amendment to Regulation 4 of the Regulations in order to enable the Authority to recruit the vacant posts sanctioned as regular posts mentioned in Appendix – A of the Regulations through Maharashtra Public Service Commission and/or as per the procedures adopted by the Government from time to time.

The draft is annexed herewith as Annexure- A.

The Authority has considered the draft amendments.

Resolution No. 151

It is resolved that, the draft Amendment to Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services and Employees Regulation 2013) is hereby approved. The Secretary is directed to submit the draft for the approval of the Govt. as contemplated u/s 31 of the MWRRA Act 2005.

13.2. Celebration of Water Day.

Hon’ Member (Law) proposed that, World Water Day need to be celebrated in order to create awareness among various stakeholders in Water Sector. She also mentioned that the Water Day had been celebrated in previous year also. On the same lines, the Authority may celebrate on 22nd March 2023. The Secretary stated that in order to organize the event, around 1.5 to 2 lakh expenditure will have to be incurred.

Resolution No. 152

It is resolved that, the World Water Day be celebrated and approval is hereby given to incur expenditure of around 2 Lakhs from the budgetary provisions of FY 2022-23.

13.3. Repairs and Maintenance of office premises.

The Secretary submitted that, some minor repairs, painting, repairs of electric fittings and air conditioning systems are required to be executed. Earlier the Authority has approached the Public Works Department, GoM and Thane Irrigation Circle. However, the work could not be undertaken. The Authority

suggested that, Chief Engineer, Thane Irrigation Circle be requested to prepare the estimates and execute the work on deposit basis.

Resolution No.153

It is resolved that, the secretary is directed to request Chief Engineer, Thane Irrigation Circle to prepare the estimates and execute the work on deposit basis.

VOTE OF THANKS:

The meeting concluded with vote of thanks to the Chairperson and the Members present.

Date: 18/01/2023

Place: Mumbai

**Sd/-
Dr. Sanjay Chahande
Chairman**

MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY

**9th Floor, Centre - 1, World Trade Centre, Cuffe Parade,
Mumbai 400 005,**

**MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY
(RECRUITMENT AND CONDITIONS OF SERVICES OF EMPLOYEES)
REGULATIONS (AMENDMENT) 2023**

NOTIFICATION

No. MWRRA/Regulation/2020/-----.- In exercise of the powers conferred on it under sub-section (1) of section 31 of Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah. XVIII of 2005) as amended from time to time, Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services of Employees) Regulations (Amendment) 2023 with the approval of the State Government, hereby makes the following Regulations: –

**CHAPTER I
PRELIMINARY**

1. Short Title, Applicability and Commencement:

- (i) These Regulations may be called the Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services of Employees) Regulations (Amendment) 2023.
- (ii) These Regulations shall be applicable to all employees appointed under section 8 of the Maharashtra Water Resources Regulatory Authority Act, 2005 as amended from time to time.
- (iii) These regulations shall come into force from the date of its publication in the Maharashtra Official Gazette.

2. After Regulation 4 (iv) Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Services of Employees) Regulations 2013, the following clauses shall be added;

4(v) the Authority may take a decision to recruit the posts sanctioned on regular basis, as per the requirement, in Appendix - A (Column 4) through Maharashtra Public Service Commission and/or as per the procedures adopted by the Government from time to time.

4(vi) the officers/employees recruited through Maharashtra Public Service Commission or as per the procedures adopted by the Government from time to time shall be the employees of the Authority and they shall not be considered as employees of the State Government.

Mumbai,
January 2023

Dr. Ramnath Sonawane
Secretary
Maharashtra Water Resources
Regulatory Authority, Mumbai