



# महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

## Maharashtra Water Resources Regulatory Authority (MWRRA)

9th Floor, Centre-1, World Trade Centre, Cuffie Parade, Mumbai - 400005. Tel.: 2215 2019 Fax.: 2215 3765 E-mail: mwrra@mwrra.org

Case No. 1 of 2015

In the matter of

Supply of Water to Jayakwadi Reservoir from upstream Reservoirs for  
achieving Equitable Distribution of Water in the Godavari Basin (2014-15)

Shri Prashant Bansilal Bumb (MLA),  
Plot No. 3-B, Chabada Building,  
Opposite Gurudwara, Sindhi Colony,  
Jalna Road, Aurangabad - 431 005

.....Petitioner

Versus

1. The Secretary (WRM & CAD), Water Resources Department, Madam Kama Marg, Hutatma Rajguru Chowk, Mantralaya, Mumbai - 400032.
2. The Executive Director, Godavari Marathwada Irrigation Development Corporation, Sinchan Bhavan, Jalna Road, Aurangabad - 431 005.
3. The Sanjivani (Takali) Sahakari Sakhar Karkhana Ltd at Sahjanand Nagar through Advocate Pramod N. Patil, 8-B, 2nd Floor, 35 Ambalal Doshi Marg, Opp.Hamam House, Fort, Mumbai - 400 023.
4. i) Machindra S/o Tukaram Rohmare ii) Kakasaheb S/o Raibhan Jawale  
iii) Karbhari S/o Maruti Agwan iv) Balasaheb S/o Appasaheb Barhate  
v) Sachin S/o Ramrao Rohmare C/o. Shri Ranjit A. Thorat 102, Rehman House, Nadirshah Sukhia Street, Behind Mahesh Lunch Home, Fort, Mumbai - 400 001.
5. Godavari Kalave Pani Bachav Sangharsh Samiti, C/o Rajendra Bhimaji Bavake, At Post- Sakuri, Tal-Rahata, Dist. Ahmednagar - 423 107.
6. Adv. Yashodeep Deshmukh C/o Shri. Abhijit Durgadasrao (Joshi) Dhanorkar, R/o. Krushisarathi Colony, Basmat Road, Parbhani.

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7. The Executive Director, Padamshree Dr. Vitthalrao Vikhe Patil Sahakari Sakhar Kharkhana Limited, R/o. Pravaranagar - 413 712, Tal. Rahata, Dist. Ahmednagar (Ph. No. 02422-252301)
8. Harishchandra Sahakari Pani Puravatha Sansthanche Sahakari Federation Ltd, Amrutnagar, Post. Sangamner S.K. - 422 068.
9. Sahakar Maharshi Bhausahab Thorat S.S.K., Amrut Nagar, Post: Sangamner, PIN - 422 608, Dist. Ahmednagar
10. Karmaveer Shankarao Kale S.S.K., Gautam Nagar, Post: Kolpewadi, Tq. Kopargaon, Dist. Ahmednagar.
11. Sanjay Daulatrao Hon 8-B, 2nd Floor, 35 Ambalal Doshi Marg, Opp.Hamam House, Fort, Mumbai - 400 23
12. i) Vishwasrao S/o Laxman Aher ii) Balasaheb S/o Devram Ghumre iii) Karbhari S/o Pandharinath Jadhav, C/o. Shri Ranjit A. Thorat, 102, Rehman House, Nadirshah Sukhia Street, Behind Mahesh Lunch Home, Fort, Mumbai - 400 001

..... Respondents

**CORAM: CHITKALA ZUTSHI, MEMBER (W.R. ECONOMY) &  
S. V. SODAL, MEMBER (W.R. ENGINEERING)**

**DATE: 10/03/2015**

**ORDER**

The Hon'ble Bombay High Court, by its order dated 2 February 2015 in PIL No.173 of 2013 and a batch of other petitions, has asked us to examine whether the Godavari Marathwada Irrigation Development Corporation (GMIDC) has properly implemented the broad guidelines contained in our detailed order dated 19 September 2014 relating to the equitable distribution of water in the Godavari Basin. The Hon'ble High Court has also asked us to

  
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consider as to whether there could be any further release of water at this time of the year. In pursuance of the directions of the Hon'ble High Court, submissions have been received from GMIDC and representatives of the people in the downstream and upstream areas. The data and the submissions that were received by us were forwarded to all the parties through our office.

2.0 We have heard the parties on the 24 February 2015 in accordance with the directions of the Hon'ble Court. The downstream and upstream areas were represented by representatives of :-

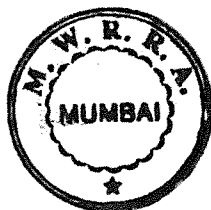
- (i) Pravara Complex
- (ii) Godavari - Darna Complex
- (iii) Paithan Dam
- (iv) Majalgaon Dam
- (v) Godavari Canals
- (vi) Shri. T. N. Munde represented Water Resources Department
- (vii) Shri. N. V. Shinde represented GMIDC, Aurangabad.

3.0 We have considered the written as well as oral submissions made before us. Submissions made by the various parties are briefly narrated below-

3.1 Advocate for the representative of Paithan Dam and Shri. Prashant Bansilal Bumb, MLA submitted as under :-

- a) The program of the release of water had not been made public by the GMIDC after the MWRRA order was passed and the farmers had no advance information which would have enabled them to plan their crops.
- b) Had water from the upstream reservoirs been released immediately after the MWRRA's order dated 19 September 2014, the transmission losses could have been minimized. The GMIDC wasted time in seeking directives from the Government. Had the

  
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GMIDC felt any difficulty, it could have approached the MWRRRA directly.

- c) The MWRRRA has not taken action under Section 11(b) for enforcement of its decision for implementation of the order dated 19 September 2014.
- d) It is not clear under which provision of the MWRRRA Act the GMIDC made reference to the Government. Instead the GMIDC should have made a reference to the MWRRRA.
- e) The MWRRRA has entrusted the responsibility to Executive Director (ED), GMIDC for implementation of its order dated 19 September 2014. Seeking intervention of the Government was uncalled for.
- f) The GMIDC has made unwarranted delay in the implementation of the said MWRRRA's Order resulting in extra transmission losses that could have been saved. In case the order had been implemented in time (that is by October 2014) the extra transmission losses could have been saved. Under this circumstance, action will have to be taken by the Authority under Section 26 of the MWRRRA Act. Such omissions should not be allowed to occur in the future.
- g) The principle of "carry over" is required to be applied to the Jayakwadi reservoir also, in case this is considered for the Mula Dam by the Government in giving directive to release water from upstream dams.
- h) Was there any proposal from the GMIDC to release 19 TMC water from upstream dams?
- i) The reservoir operation for equitable distribution needs to be carried out during the monsoon itself and not towards the end of the monsoon.

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3.2 Advocate for the representative of Majalgaon Dam submitted as under:-

- a) The GMIDC Officers have delayed the implementation of the MWRRA's Order. As per the provision under Section 26 of the Act, they are liable to be proceeded against by the MWRRA.
- b) The Government has not presented its submission by substantiating the data.
- c) While computing the availability of water during 2014-2015 in the upstream dams of the Godavari Sub basin, the storages impounded in minor and local sector schemes have not been taken into account.

3.3 Representative of the Pravara Complex submitted as under -

- a) He pleaded that the submissions made by Advocate on the downstream side are beyond the scope of the directives given in the High Court's Order dated 2 February 2015.
- b) Looking to the proposal made by the ED, GMIDC dated 12 November 2014, there is no basis for release of 19 TMC water from the upstream dams.
- c) As per the data furnished by the ED, GMIDC, the available live storage in Jayakwadi reservoir as on 1 February 2015 is 556.19 Mm<sup>3</sup> (19.66 TMC) which is more than the balance requirement of 2014-15 for drinking and industrial use including evaporation. Hence, there is no question of further release of water from upstream dams to Jayakwadi.
- d) The release of water from upstream dams to the downstream ones during the monsoon period is not considered. The MWRRA's Order dated 19 September 2014 provides for the operation being carried out only once in the month of October.

  
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- e) The water storages in the isolated projects on the upstream reservoir complexes should also get benefited by equitable distribution.

3.4 The representative of the Pravara Complex (Shri. R.M. Landge) submitted as under :-

- a) He stressed that looking to the present live storage available in Jayakwadi reservoir; there is no need for further release of water from upstream dams.
- b) The farmers had planned their crops after actual releases were made by the GMIDC in December 2014. Hence, further releases from upstream dams will hamper the existing crops on upstream side.
- c) There is inefficient use by the downstream users of water that was released from the upstream dams.
- d) The Government and the GMIDC have not taken action on the MWRRA's directives regarding delineation of Jayakwadi command and formation of WUAs. Once this is done, water can be made available on volumetric basis to the WUAs, encouraging them to use water efficiently.
- e) In the case of old projects, a review is required to be undertaken as per the MWRRA's Order. New parameters will have to be decided on the basis of actual availability. It is not clear whether any action has been taken on this as far as this aspect is concerned.

3.5 The representative of Godavari Complex submitted as under :-

- a) This complex is short of water for Strategy - III as indicated by GMIDC in its proposal dated 12 November 2014, hence this complex should not be considered for further release.

  
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- b) The sewage of Nashik city was being used on the downstream side for irrigation but now it is being given to India Bulls for its Thermal Power Station. This has affected the availability of water for irrigation in this complex. No action from the Government has been taken for making this deficit good.
- c) Any further release from upstream dams will aggravate the situation.

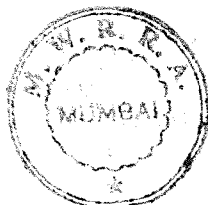
3.6 The representative of Godavari Kalve Sangharsh Samittee submitted that there are horticultural crops being grown for the last 25 - 30 years. There are also standing fodder crops. Hence further release from this complex may lead to suicides by the farmers of this area. Further release of water from this complex should not be made.

3.7 The farmers in the upstream area pleaded that the canal system in the upstream area is old and does not work efficiently. The maintenance grants being sanctioned are far short of the requirement. The system being not maintained properly by GMIDC, results into substantial losses and a consequent curtailment in the supply to the farmers. This needs to be addressed.

3.8 GMIDC submitted as under :-

- a) The GMIDC has filed written submission through its letter dated 13 February 2015 wherein the proposal for release of water from upstream dams was formulated by the ED, GMIDC on the principle laid down by MWRRA vide Para 10 (a) and (b) of MWRRA's Order dated 19 September 2014.
- b) The proposal was submitted to the Government for release of 355.03 Mm<sup>3</sup> (12.53 TMC) water from upstream dams to Jayakwadi reservoir.

  
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- c) The Government has given directives to GMIDC, vide letter dated 24 November 2014 to release only 223.62 Mm<sup>3</sup> (7.89 TMC) water as there is less availability of water in u/s Godavari- Darna Complex dams as per the Strategy III of MWRRA's directives.
- d) The GMIDC has released 201 Mm<sup>3</sup> (7.1 TMC) water from Mula and Pravara Complex dams together against the 223.62 Mm<sup>3</sup> (7.89 TMC) as per Government direction dated 24 November 2014.
- e) The water that reached the Jayakwadi Reservoir is 139.53 Mm<sup>3</sup> (4.92 TMC) that is about 69%.
- f) The live storage as on 1 February 2015 in the Jayakwadi Reservoir is 556.90 Mm<sup>3</sup> (19.66 TMC) and balance requirement of drinking and industrial use is 208.50 Mm<sup>3</sup> (7.36 TMC). The hot weather evaporation losses are 335.83 Mm<sup>3</sup> (11.86 TMC). Hence, the total requirement in hot weather including evaporation losses is 208.50 Mm<sup>3</sup> plus 335.83 Mm<sup>3</sup> = 544.33 Mm<sup>3</sup> (19.22 TMC). As the live storage in the Jayakwadi reservoir is more than the balance requirement upto 15 July 2015, it can be met from the present available live storage.
- g) There is no planning for irrigation in hot weather season 2014-15.
- h) The Commissioner, Municipal Corporation, Aurangabad has requested the Collector, Aurangabad and Chief Engineer & Chief Administrator, CADA, Aurangabad to reserve 58 Mm<sup>3</sup> (2.05 TMC) water for drinking purposes for the year 2014-15 by letter dated 2 August 2014. The Collector, Nashik has requested to reserve 135.90 Mm<sup>3</sup> (4.8 TMC) water for Nashik Municipal Corporation for Year 2014-15.
- i) The Government (WRD), after due consideration of the availability of water and the demands of non-irrigation and irrigation, has ordered the release of 223.62 Mm<sup>3</sup> (7.89 TMC) of water from the Mula and Pravara complex which was sufficient to meet the irrigation and non-

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irrigation requirements (2014-15) on the planned cropped area. Finally 201.87 Mm<sup>3</sup> (7.1 TMC) water has been released as warranted by technical feasibility.

j) The additional information given by GMIDC on the points raised by various parties during the hearing is as below -

- 1) Wide publicity was given for the planning of the Rabi Irrigation Programme for Rabi season (2014-15) vide *Jahir Pragatan* in the Marathi editions of the local newspapers dated 4 October 2014. This indicates that the ED, GMIDC has already taken proper action for the announcement of the Rabi Irrigation Programme (2014-15) in advance in command of Paithan left and right bank canals.
- 2) The GMIDC was required to approach the Government because the Government was also one of the respondents in Case No. 1 of 2014 and, therefore, it was felt necessary to seek the consent of the Government. After getting the advice from Government the GMIDC approached the MWRRA for clarification on some points arising from the Order dated 19 September 2014.
- 3) The GMIDC submitted a proposal for the releasing of 12.53 TMC (and not 19 TMC) of water from upstream dams into Jayakwadi reservoir in pursuance of MWRRA's Order dated 19 September, 2014.
- 4) Even though the Government had suggested that 7.89 TMC of water be released from upstream dams to Jayakwadi, the constraints of the discharging capacity of the outlets of Pravara Complex dams and the necessity of avoiding the extra transmission losses compelled the ED, GMIDC to limit the releases from upstream dams to 7.10 TMC.

  
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- 5) Inadequate maintenance of the large network of the distribution system of the Jayakwadi project led to overall system deficiency resulting into increased system losses which in turn result in less area being irrigated compared to the planned water use efficiency.

4.0 Our Order dated 19 September, 2014, inter alia, contained the following directions:

"10 DETERMINATIONS:

*In view of the above background, we are of the view that the following directions are required to be given to achieve an equitable distribution of water as contemplated under section 11(c) of the 2005 Act:*

- (a) *The upper reservoirs need to be regulated as per the above guiding principles after taking a review of the storage position in upstream complexes and in the Paithan dam and also after taking into account the likely effect of the return rainfall. This needs to be done in the first fortnight of October so that an approximate equitable distribution of available water among upstream and downstream users is achieved by the end of October. We feel that the operating strategy should be chosen for regulating reservoirs by observing the storage position at Paithan dam in the first fortnight of October and also considering the storage position in the upstream complexes, duly accounting for planned Kharif use.*
- (b) *An approximate equitable distribution is to be resorted to when hydrological draught occurs. This is to be achieved through a step-by-step synchronization of the storages in the upper reservoirs upto Strategy-III as given in Table 6 (enclosed) provided that requirement of Strategy-I is first met fully for all the upper complexes of reservoirs. If sufficient storage is available in the upstream reservoirs, then Strategy-II will come into play and likewise Strategy-III. While doing so uniform cut (say, 5% / 10% / 15% as the case may be) in the utilizable water of all upstream storages shall be applied to meet the requirement of storage of the lower reservoir for*

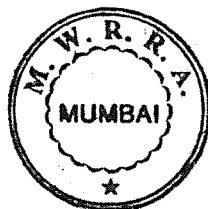
  
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*the chosen strategy which is in consonance with the principle of "Sharing Distress by All". Water is to be made available in all the reservoirs for meeting the drinking water requirement, for the growing of bare minimum food crop for people in the command areas of all the projects and for minimum of industrial use (but limited to 80% of the industrial requirement) so as to prevent the migration of population. K.T. weir needles which obstruct the flow of water should not be placed in position until an equitable distribution is achieved by October end.*

- (c) If any reservoir on the upstream is short of water to meet its own minimum needs, no release of water from that reservoir is to be made.*
- (d) However, it must be ensured that there is no drawl of water from the dead storage for irrigation purposes from the Jayakwadi reservoir.*
- (e) If the natural storage at Paithan dam in the first fortnight of October is above or equal to 65% of the live storage (Strategy-III) then the question of releasing water from the upstream storages does not arise.*
- (f) The water requirement for the crop is to be worked out scientifically with giving due consideration to overall ground water conjunctive use taking into account the actual soil moisture condition.*
- (g) On the upstream projects in Nashik & Ahmednagar Districts, the diversion of monsoon flows through canals, flood canals, rivers and streams for Kharif use outside the project command, or for filling tanks and farm ponds is to be allowed only after the Paithan reservoir reaches its full design capacity.*
- (h) During the period of floods, the normal reservoir operation will switch over to flood regulation.*
- (i) These guiding principles will be reviewed each year and a report thereon made to MWRRRA.*
- (j) The Executive Director of the GMIDC will be responsible for the operation of all upstream reservoirs as per the operating strategy stated above.*

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- (k) *The role of the canal advisory committee will begin at the project level after the reservoir operation has been completed.*
- (l) *The question of the authorized "block" holders has to be addressed at the project level only after the completion of the reservoir operation.*
- (m) *Farmers at the tail end of canal system should be assured of enough water.*
- (n) *The share of water of the tail end users should be decided at the start of the Rabi season by conducting meetings of the Canal Advisory Committees including representatives of the WUAs. Minutes of the meetings at the start of the season with the WUAs be drawn up and kept on the Government Website with copies to the MWRRRA and WUAs.*
- (o) *The proportionate share of the Majalgaon Project as planned be decided at the start of the season and releases be made on time.*
- (p) *The WRD should ensure that the canal system is well maintained so as to ensure that the tail end receives sufficient water.*
- (q) *The orders of Government banning new projects upstream of the Paithan Dam, issued vide letter dated 6/9/2004, be strictly observed.*
- (r) *Drip irrigation has to be strictly enforced on upstream perennial crops and horticulture. Ground water conjunctive use with drip irrigation will help in increasing water use efficiency.*
- (s) *There must be an upper limit to the diversion of irrigation water to non irrigation purposes. The restoration of the resulting curtailed irrigated area be carried out by Government in a time bound manner. Government should give a schedule for this to the MWRRRA in 8 weeks from the date of this order.*
- (t) *Most of the major and medium projects in the Godavari Sub-basin have been completed 10-15 years ago. They need to be reviewed and the new parameters like the command area and water availability need to be decided.*

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- (u) *The suggestion regarding the use of a closed pipe line for drinking and industrial water supply is as per the provision in the State Water Policy. This should be considered by the Government on a priority basis.*
- (v) *The lifting of water from the backwaters of any project has to be limited to the approved water use planning. Government has to exercise rigorous controls on the unauthorized pumping on Jayakwadi back water. Action taken to be reported to MWRRA.*
- (w) *Government should give a schedule and a road map for the delineation of the Jayakwadi command and the formation of WUAs under the MMISF Act, 2005 to the MWRRA within 8 weeks of the date of this order.*

**5.0 Proposal of ED, GMIDC for implementing the MWRRA Order dated 19 September 2014 :-**

- a) The ED, GMIDC made a proposal taking into account the storage position of Jayakwadi as on 15 October 2014 and all storages on upstream side adopting Strategy - III of Table 6 as per Para 10 (b) of MWRRA's Order dated 19 September 2014. As per Strategy - III, the Paithan Dam storage had to be brought to 1409 Mm<sup>3</sup> capacity level from 941.61 Mm<sup>3</sup> (storage as on 15.10.2014). This proposal was sent to the Government vide ED, GMIDC's letter dated 12 November 2014 for seeking directions for release of 355.03 Mm<sup>3</sup> (12.53 TMC) water from upstream dams to Jayakwadi to meet the shortfall of 240.53 Mm<sup>3</sup>, considering Kharif use. The quantum of water proposed to be released from various dam complexes is as following :-

Mula	-	130.07 Mm <sup>3</sup>
Pravara	-	121.87 Mm <sup>3</sup>
Gangapur	-	43.43 Mm <sup>3</sup>
Palkhed	-	59.66 Mm <sup>3</sup>
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		355.03 Mm <sup>3</sup> (12.53 TMC)

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- b) The Government directed the GMIDC to release only 7.89 TMC of water (223.62 Mm<sup>3</sup> i.e. 101.75 Mm<sup>3</sup> from Mula + 121.87 Mm<sup>3</sup> from Pravara) from upstream dams by releasing only 101.75 Mm<sup>3</sup> from the Mula Complex (instead of 130.07 Mm<sup>3</sup> as proposed by GMIDC) keeping a reserve of 28.32 Mm<sup>3</sup> as carry over. The excess available water at Gangapur (43.43 Mm<sup>3</sup>) and Palkhed (59.66 Mm<sup>3</sup>) complexes was to be used for meeting the deficit in Godavari - Darna Complex for meeting shortages as per requirement of Strategy-III.
- c) Actual water released by ED, GMIDC is 201.87 Mm<sup>3</sup> (7.10 TMC) against the 223.62 Mm<sup>3</sup> (7.89 TMC) as directed by the Government. The quantum of water that actually reached Jayakwadi is 139.53 Mm<sup>3</sup> (4.92 TMC).

## 6.0 Analysis

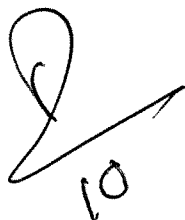
- a) The live storage at Paithan Dam as on 15 October 2014 was 941.61 Mm<sup>3</sup> (33.25 TMC) which is less than 65% of its live storage capacity (0.65 X 2170.94 = 1410 Mm<sup>3</sup> (49.51 TMC)). This indicates that there is a situation of "Hydrological Drought" i.e. the water available on 15 October 2014 is not sufficient to meet the minimum needs of drinking, of 80 % industrial use and two rotations for rabi crops in Jayakwadi Command. Therefore, as per the provision in Para 10 (a) & (b) of our Order dated the 19 September 2014, equitable distribution had to be resorted to considering the storage position of upstream dams of Paithan. Looking to the storage position at Paithan on 15 October 2014, it is clear that this has crossed the Strategy - I storage position. Looking to the storage position of upstream dams of Paithan which has already crossed the storage requirement for Strategy - II, it may be possible to adopt Strategy - III for equitable distribution as calculated below:-



Dam Complex	Water Requirement as per Strategy - III of Table 6 of MWRRA Order	Gross total water available considering Kharif use as on 15/10/2014			Excess available for release to Paithan dam (5-2)	Remark
		Live Storage	Kharif Use	Total (3+4)		
1	2	3	4	5	6	7
Mula	489	576.33	42.74	619.07	130.07	
Pravara	500	504.97	116.90	621.87	121.57	
Gangapur	252	244.71	50.72	295.43	43.43*	* Godavari-Darna is in deficit to meet Strategy - III requirement. Hence excess water from Gangapur & Palkhed is to be diverted to adjoining Godavari-Darna Complex. Hence water from Gangapur & Palkhed need not be considered for release to Paithan.
Palkhed	287	302.27	44.39	346.66	59.66*	
Godavari - Darna*	736	424.71	76.54	501.25	---	

It is concluded therefore that water available for release to Paithan dam is  $130.07 + 121.57 = 251.64 \text{ Mm}^3$  (8.89 TMC) and not  $223.69 \text{ Mm}^3$  (7.89 TMC) as directed by the Government. Actually, the GMIDC has released 7.10 TMC of water from upstream dams to Jayakwadi which is less by 1.79 (8.89 - 7.10) TMC. The quantum of water that actually reached Jayakwadi is  $139.53 \text{ Mm}^3$  (4.92 TMC).

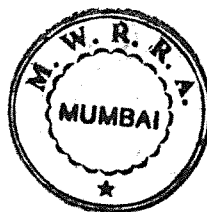
The water available for Jayakwadi for use (including Kharif use) is  $941.61 + 226.86$  (Kharif use) +  $139.53 = 1308.00 \text{ Mm}^3$  against  $1409 \text{ Mm}^3$  as per Strategy - III requirement.

  
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- b) The calculations worked out by ED, GMIDC for release of water from upstream complexes as per Strategy - III (Table No.6) is not in line with MWRRA's directions under Para 10 (a), (b), (c) except the fact that it has not proposed to meet the shortages at Godavari - Darna for Strategy - III, which was possible by diverting surplus water as per Strategy - III from Gangapur (43.43 Mm<sup>3</sup>) and Palkhed Complexes (59.66 Mm<sup>3</sup>).
- c) The Government's directions to reduce the quantum of water to be released from Mula Complex from 130.07 Mm<sup>3</sup> as proposed by the ED, GMIDC to 101.75 Mm<sup>3</sup> by providing for carry over at Mula is not in line with the MWRRA's directions under Para 10 (b) vide Table No.6. The MWRRA's direction does not seek to provide for the carry over storage. Table 6 in our Order dated 19 September 2014 specifically provides for "utilizable water including Kharif use and excluding carry over" (The carry over storage is normally provided during the project planning for use in the subsequent water year to meet the eventuality of late rains. This is to be kept reserved till the end of the current water year.) However, this provision of carry over is not applicable in the present case.
- d) Drinking water reservation for Nashik and Aurangabad for 2014-15 has been made by ED, GMIDC as per the requirement given by the Municipal Corporation, Aurangabad and Collector, Nashik.
- e) As per the MWRRA's directions vide Para 10(a) of its Order, the "Equitable Distribution" has to be achieved by the end of October and not later for minimizing transmission losses. Normally the river bed is saturated by the end of the monsoon i.e. October. If the "Equitable Distribution" is resorted to in subsequent months i.e. November onwards. The transmission losses are likely to be more and more as the river bed becomes drier and drier.

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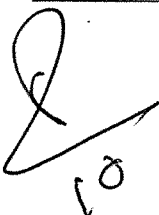
f) As reported by the GMIDC official during the hearing :-

- The storage position at Paithan dam as on 1 February, 2015 was 556.90 Mm<sup>3</sup> (19.66 TMC).
- Balance requirement for drinking and industrial use - 208.55 Mm<sup>3</sup> (7.36 TMC)
- Hot weather evaporation losses - 335.83 Mm<sup>3</sup> (11.86 TMC)
- No irrigation requirement for hot weather
- Total water requirement upto 15 July 2015 - 544.38 Mm<sup>3</sup> (19.22 TMC)

Since live storage as on 1 February, 2015 is more than the balance requirement upto 15 July 2015, there is no need to release water from the upstream dams to Jayakwadi.

g) The due share of the Jayakwadi reservoir, which was required to be released from the upstream dams as per Strategy-III for the year 2014-15 was 8.89 TMC. Nevertheless, the GMIDC has released 7.10 TMC. As observed earlier in this Order, this has happened due to a technical reason, that is, the shortage of "Outlet Capacity" in one upstream dam. However, the shortfall of 1.79 TMC has to be made good by the GMIDC in subsequent years when equitable distribution has to be resorted to. In no case should water from the dead storage of Jayakwadi be utilized for irrigation.

h) The water use by Jayakwadi in Rabi season as reported by ED, GIMDC is as below;

  
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Irrigation from	Cropped area in Rabi in 2014-15 (ha)	Actual water use up to 31 January 2015 (Mm <sup>3</sup> )	Water use efficiency (ha / Mm <sup>3</sup> )
Paithan Left Bank Canal (PLBC)	62,656	165	379.73*
Paithan Right Bank Canal (PRBC)	17,000	73	232.88*
Jayakwadi Backwater	13,000	106	122.64#

\* The water use efficiency shown for PLBC & PRBC does not reflect the full picture. The correct picture will emerge only when the water used by the end of Rabi season (28 February) is considered.

# The water use efficiency in case of Jayakwadi Backwater is far less than that of private lifts even if use upto 31 January is considered. It will be further reduced if water use upto end of Rabi season (28 February) is taken into account. Normally water use efficiency for private lifts is between 200 – 225 ha / Mm<sup>3</sup>.

There is a possibility of unauthorized lifting of water on the Jayakwadi backwater area and the quantum might not have been accounted for. It is necessary to take action for closing down unauthorized lifting.

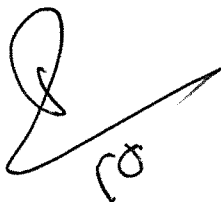
- i) The representatives from downstream areas have contended that the principle of “carry over” is required to be applied to the Jayakwadi reservoir as has been considered for the Mula dam by the Government. Carry over considered by the Government for Mula project is not stipulated in Table 6 under Para 10 (b) of the MWRRA Order. Hence the action of the Government is not in line with the MWRRA Order and, therefore, accounting for carry over in the case of Jayakwadi does not arise while carrying out equitable distribution.

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- j) The MWRRA in its order of 19 September 2014 specifically directed vide Para 10 (a) to carry out the "Equitable Distribution" by end of October. ED, GMIDC filed a letter with this Authority on 27 October 2014 seeking certain clarifications, but no clarification was sought on the quantum of water to be released. Apart from that, the said letter was filed 39 days from the passing of the Order dated 19 September 2014. If the ED, GMIDC had any doubt about the quantum of water to be released from upstream storages for implementing equitable distribution, then he should have approached us immediately instead of making a reference to the Government, and that too as late as on 14.10.2014. The timely implementation of the Order by October 2014 was required to be done. The timely implementation of the said order could also have resulted in minimum transmission losses.
- k) The method of carrying out the implementation of the Authority's Order by the ED, GMIDC has caused delay in achieving "Equitable Distribution" in the Upper Godavari Sub-Basin. Water from upstream dams has been released into Jayakwadi as late as in December 2014. This has led to extra transmission losses. The representatives of the downstream area have contended that the unwarranted delay by the GMIDC in implementing Our Order dated 19 September 2014 calls for action under Section 26 of the MWRRA Act, 2005.

Considering the factual background in the matter, we have come to the conclusion that the directions contained in our Order dated 19 September 2014 were not implemented in their letter and spirit. The ED, GMIDC was specifically required under Para 10 (a) to regulate the upstream reservoirs in the first fortnight of October 2014 so that an approximate equitable distribution of available water among upstream and downstream users could have been achieved by the end of October 2014. Instead of carrying out the directions as aforesaid the ED, GMIDC, who is the implementing agency, approached the State



Government. In our order dated 19 September 2014 we have specifically directed as follows:

*“(10)(j) The Executive Director of the GMIDC will be responsible for the operation of all upstream reservoirs as per the operating strategy stated above.”*

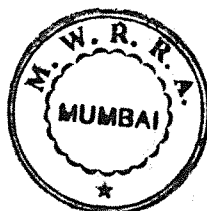
In our Order dated 19 September 2014, we did not indicate that the ED, GMIDC should seek the State Government’s approval on the quantum of water to be released as part of regulation of the upstream reservoirs. This decision was required to be taken by him and implemented forthwith.

- 1) As far as initiation of any action against the ED, GMIDC under Section 26 of the MWRRA Act is concerned, we do not find any reason to believe that the ED, GMIDC acted deliberately in defiance of the order or is guilty of contumacious or dishonest conduct or acted in conscious disregard of his obligations. Hence, we are not inclined to take any action under Section 26 of the Act.

However, we would like to give the following directions to the ED, GMIDC for implementation of our order dated 19 September 2014 in future:

- (A) The ED, GIMDC should undertake a review of the storage position of Jayakwadi reservoir and all upstream storages on the 15 October every year.
- (B) Considering the storage position of Jayakwadi reservoir as on the 15 October, he should decide the appropriate strategy of equitable distribution from Table 6 vide Para 10 (b) of MWRRA Order.

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(C) In case of any difficulty in implementation, he should approach the Authority directly and not later than 4 days after the 15 October and seek our clarification.

(D) He should complete the exercise of equitable distribution by the end of October every year of hydrological draught.

Any act of omission on the part of the ED, GMIDC will attract the action under Section 26 of the MWRRA Act.

**6.0 MWRRA Direction :-**

In view of the above background we are of the view that the following direction is in order: no further release of water from any of the upstream reservoirs is to be made to Jayakwadi reservoir during the current water year (till 31 May 2015).

With the above, the matter stands disposed of.

Sd/-

(Chitkala Zutshi)  
Member (Economy)

Sd/-

(S.V. Sodal)  
Member (Engineering)



(Dr. Suresh Kulkarni)  
Secretary

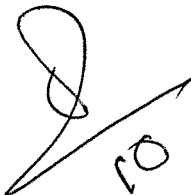


Table : 6

Upper Reservoirs' Storages to be synchronized with the state of Paithan dam storage for different Operating Strategies during filling (Monsoon) period

Operating Strategy	Utilizable Water including Kharif/Monsoon Use excluding carry over (Mcum) (% of Design Live Storage)						
	Paithan	Mula	Pravara	Gangapur	Godavari - Darna	Paikhed	
Complex →	Paithan	Mandhol, Mula	Bhandardara, Nilwande, Adhala, Bhojapur	Gangapur, Kashyapi, Gautami	Alandi, Kadwa, Bham, Bhawali, Waki, Darna, Mukane, Waldevi	Karanjwan, Waghad, Punegaon, Ojharkhed, Paikhed, Tisgaon	
1	2	3	4	5	6	7	
Strategy - I	797 (37%)	303 (49%)	320 (56%)	187 (61%)	461 (64%)	254 (73%)	
Strategy - II	1173 (54%)	402 (65%)	425 (74%)	227 (74%)	604 (84%)	254 (73%)	
Strategy - III	1409 (65%)	489 (79%)	500 (88%)	252 (82%)	736 (102%)	287 (82%)	
Strategy - IV	1645 (76%)	576 (93%)	575 (101%)	277 (90%)	870 (121%)	345 (99%)	
Strategy - V	1738 (80%)	611 (99%)	605 (106%)	287 (93%)	918 (128%)	369 (105%)	
Strategy - VI	2237 (103%)	689 (112%)	836 (146%)	313 (101%)	1220 (170%)	457 (130%)	

*[Handwritten Signature]*  
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