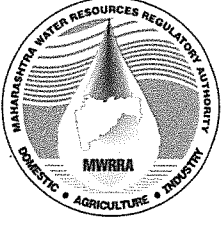




सत्यमेव जयते



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण Maharashtra Water Resources Regulatory Authority

ORDER No 3 / 2018

In the Matter of the Review Application filed by Bhartiya Kisan Sangh and others (Dist. Pune) in regard to releasing water from Pavana reservoir as per Clause 22(3) of MWRRA Act, 2005 on the basis of direction of the Bombay High Court in its Order dated February 12, 2016 in WP No. 1863 of 2013

CASE NO. 3 OF 2016

Bhartiya Kisan Sangh & others (Pune District) Petitioners

Vs

Govt. of Maharashtra through the Secretary (WRM & CAD),
Water Resources Department & others Respondents

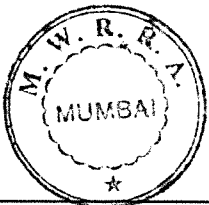
Coram: Shri. K. P. Bakshi, Chairman
Shri. V. M. Kulkarni, Member (WR.Engg.)

Date : February 26, 2018

BRIEF FACTS OF THE CASE

- 1.0 The Petitioners filed the present 'Review Application' for review of order passed by MWRRA in respect of Case No. 4 of 2011 on May 16, 2012 and with specific pray to set aside the pipeline project undertaken by Pimpri-Chinchwad Municipal Corporation (PCMC) to lift the water required for domestic water supply directly from Pavana reservoir.

The cause of action is: The Bhartiya Kisan Sangh (BKS) - the Petitioners - are aggrieved by the 'Closed Underground Pipeline Project' undertaken by the PCMC with which the Corporation will lift water directly from Pavana reservoir for domestic water supply to PCMC area. Presently,



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water is released from Pavana reservoir into the river and is lifted by PCMC from the Ravet Bandhara located at 34.84 km downstream of the Pavana dam.

FACTUAL MATRIX

2.0 The recapitulation of the sequence of events prior to the first hearing is as follows:

A PIL (No. 52 of 2009) was filed in the Bombay High Court by the BKS (Petitioners) challenging change over in the mode of supplying water from Pavana reservoir to PCMC area through an underground pipeline. The High Court directed the WRD to appoint a Primary Dispute Resolution Officer (PDRO), under Section 22 of the MWRRRA Act to resolve the dispute. The WRD, on July 15, 2009 appointed the Chief Engineer (WR), Pune as the PDRO. After hearing the affected parties, the PDRO decided the matter against the Appellants and issued the order on January 27, 2010.

3.0 The BKS (Appellants) subsequently filed an appeal in the Bombay High Court in the year 2010. The matter was heard before the Division Bench comprising Mohit S. Shah, CJ and Dr. D.Y. Chandrachud, J. on October 19, 2010. In their order of the same date, the High Court bench declined to interfere in the decision of the PDRO. While dismissing the Petition, the Court left it to the BKS (Petitioners) to approach MWRRRA for remedy against the PDROs' decision. Authority is an Appellate body for those aggrieved by the PDROs' orders in such matters which relate to the Entitlement of Water. Accordingly, the aggrieved BKS (Petitioners) approached MWRRRA by filing the Petition on January 25, 2011. MWRRRA dismissed the appeal by its Order dt. May 16, 2010.

4.0 Further, the BKS (Appellants) in the year 2013 filed the Writ Petition (No.1863 of 2013) in the High Court challenging the Order of MWRRRA dt. May 16, 2012. The High Court disposed the Petition by passing the Order on February 12, 2016 granting liberty to BKS (Petitioners) to withdraw the Writ Petition with a permission to approach MWRRRA for review/ modification of its Order dt. May 16, 2012.

5.0 Consequently, the BKS (Petitioners) filed a 'Review Application' in MWRRRA on April 9, 2016. However, the MWRRRA was not functional (due to expiry of the tenure/ resignation of its members) at that time. In



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the meantime, the BKS (Petitioners) were asked to make good the shortcomings in the Review Application submitted on April 9, 2016. The Government Ordinance No. XIII of June 17, 2016 enabled the Government to appoint a Committee consisting of a chairperson and two members vesting in it the powers, functions and duties of the Authority. The Committee was set up by the Notification dt. July 7, 2016 of the WRD.

- 6.0 The BKS (Petitioners) also complied other requirements as per MWRRA (Conduct of Business) Regulations, 2013. Subsequently, a hearing on the matter was kept on October 19, 2016.

PRAYERS OF THE PETITIONERS

- a) To call for all the relevant records of the Closed Pipelines Project from the Respondent Authorities;
- b) To direct the Respondent authorities to cancel and /or revoke and/or scrap all the decisions taken by the authorities towards sanctioning and implementing the Project for lifting water directly from the Pavana Reservoir for supply to PCMC;
- c) To issue appropriate order or direction to Review its order dated May 16, 2012 passed by the MWRRA in Case No.4 of 2011;
- d) To direct the Respondent Authorities not to implement the Project pending the hearing and final disposal of the present review;
- e) To grant interim / ad-interim relief in terms of prayer (d).

HEARINGS HELD BEFORE THE AUTHORITY

- 7.0 The relevant part of the Order of the High Court dated February 12, 2016 reads as under:

.....It is always open for the petitioner to request the Regulatory Authority to invite any expert having special knowledge in the field of water pollution as a special invitee.

All contentions on merits are kept open.

The Bombay High Court's directions to MWRRA made it possible to have an arrangement for availing the services of an expert in the field of Water Pollution as provided in Section 4(1) (d) of the MWRRA Act 2005.



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FIRST HEARING ON OCTOBER 19, 2016

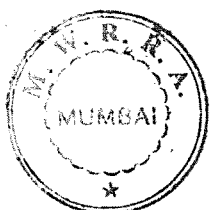
8.0 At the outset, the Advocate Ritesh Kulkarni on behalf of the BKS (Petitioners) submitted that in the petition, the MWRRA was inadvertently shown as Respondent and committed to rectify the mistake. The gist of his pleadings is as under:

- i. The BKS (Petitioners) prayed for direction to MWRRA to invite an expert in the field of Water Pollution as provided in Section 4(1) (d) of the Act. In this regard, the High Court directed in its Order dt. February 12, 2016 to request the Regulatory Authority to invite as a special invitee an expert having special knowledge in the field of Water Pollution.
- ii. The MWRRA Order dt. May 16, 2012 did not discuss the river water quality aspect in its entirety.
- iii. MWRRA analysed the issues that are framed while passing the Order dt. May 16, 2012. It questioned in Para 24.3 as to whether Section 12(5) of MWRRA Act relating to water quality is attracted? In Para 24.3.4 MWRRA appreciated the underlying view as is evident from what follows :

A diminution in river flow will no doubt occur due to pipeline project which will have a bearing of some degree on the quality of river water. We cannot turn a blind eye to this aspect especially as it involves domestic use by people belonging to the lower economic strata of the society.

This contention is a clear testimony that due to the pipeline project the river flow quality will be adversely affected. In fact, the pipeline project, if executed, will affect about 5 lakh people by way of river water pollution. The MPCB Report titled "Action Plan-Bhima River Pollution Control (Pune District)" speaks about the pollution status of the Pavana River. It is required to be circulated to all concerned.

- iv. Presently, 67 *grampanchayats* along the river have their source of drinking water from the Pavana river. Due to the proposed pipeline, there will be a shortage of drinking water in future for the population dependent on it.
- v. The environmental flow will go on diminishing thereby adversely impacting the riverine eco-system.



Ritesh

- vi. No further hearing be conducted in this matter by MWRRA till the Environmental Impact Assessment (EIA) is carried out by the PCMC and submitted to the Authority.
- vii. Being a water supply scheme for public drinking water, it requires carrying out A-2 Type Treatment prescribed by MPCB on the part of PCMC by way of "Water Quality Standards for Best Designated Usages". Moreover, the requirement of newly developing townships is not considered.
- viii. There will be an adverse impact on the hydropower generation.
- ix. Fishery along the river course will badly suffer.

9.0 Shri. Shankarrao Shelar, Chairman, Bhartiya Kisan Sangh, Pune submitted that;

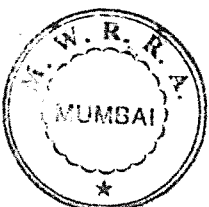
- (i) No notices were issued to the farmers for the lands acquired.
- (ii) Land acquisition awards are declared but even after five years, no compensation has been paid to the farmers. Moreover, the proposals of land acquisition are lapsed after five years period.
- (iii) PCMC is supplying water at higher norms (185 lpcd) instead of the standard 135 lpcd.

10.0 Shri. A.A. Kapole, SE, PIC, Pune submitted that:

- (i) The BKS (Petitioners) have approached MWRRA with a review application. Obviously, no new points are required to be argued.
- (ii) Appointment of an expert having special knowledge in the field of Water Pollution is called for.
- (iii) The MWRRA has no scope left to implement the High Court directions as the provision of special invitees fulfilling the qualification / specialization criteria does not include one which relates to the discipline of Water Pollution.

11.0 Adv. Nitin Deshpande on behalf of MKVDC, Pune submitted as follows:

- (i) The direction of the High Court, vide its Order dt. February 12, 2016 to the MWRRA reads:



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..... Accordingly, the writ petition is disposed of as withdrawn with liberty to the petitioners to file an appropriate application to the Regulatory Authority. It is always open for the petitioner to request the Regulatory Authority to invite any expert having special knowledge in the field of the water pollution as a special invitee.

All contentions on merits are kept open.

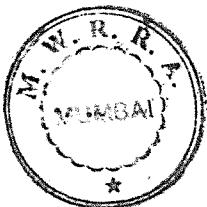
(ii) As such BKS (Petitioners) have sought direction for inviting an expert in the field of Water Pollution as per provision of Section 4 (1) (d) of MWRRA Act, 2005. However, the High Court direction is putting a restriction on appointing a water pollution expert from among the special invitees of the MWRRA.

(iii) The direction contained in the High Court Order will have to be considered in the light of provision of Section 4 (1) (d) of the Act. The MWRRA cannot invite an expert in the field of Water Pollution under the aforesaid provision as the jurisdiction of the MWRRA as laid down under Section 22(1) of the Act does not permit so.

(iv) The Government shall, as per Section 22(1), by general or special order issued in this behalf authorizes any competent official for each River Basin Agency (RBA) as PDRO, to resolve the dispute with regard to issuance or delivery of water Entitlement under the Act and not more. While resolving disputes under Section 22(1) the issue of water pollution cannot be decided as it is not even remotely connected with the issue of Water Entitlement.

12.0 Shri. Ramdas Tambe, EE, PCMC, Pimpri: PCMC submitted that;

- (i) The EIA report for the proposed pipeline project is not required as per MoEF, GoI's Circular dt. 14.9.2004.
- (ii) The project, if executed as planned, will save 1 TMC (28.31 Mcum) water which will be useful for meeting the needs of the growing population of the area.
- (iii) The PCMC will lift only the allocated water quota without affecting quota allocated to cultivators or other uses. Presently, not even 50% of the allocated quantum is being lifted by PCMC.
- (iv) The Government (through MPCB) is responsible for preventing /abating pollution of river water.
- (v) PCMC has proposed to construct 2 K.T. weirs at different locations across the river to ensure that foot valves of the pumps



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lifting water from Pavana river which will always remain adequately submerged in water.

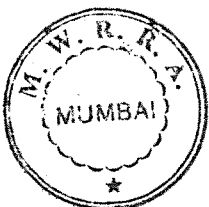
- (vi) Hon'ble High Court held that the PDRO has already looked into the issues raised in the present Petition and has dealt with them. The PDRO's report of January 27, 2010 has considered all the relevant issues and aspects including the adverse impact on hydropower generation.
- (vii) The pipeline proposed will enable lifting water also from the dead storage of Pavana reservoir.
- (viii) This is a centrally-funded project (JNNRUM) on which Rs. 142 crore have already been spent.
- (ix) About 95% land acquisition for the project has been completed; and also awards to the farmers are declared.
- (x) PCMC is the first corporation in the State to give metered supply to its customers.
- (xi) Water audit exercise is under way and will be ready within a week.

SECOND HEARING ON NOVEMBER 14, 2017

After the appointment of Chairman and Member (WR Engg) the second hearing was scheduled on November 14, 2017.

13.0 The MWRRRA Act, 2005 provides the facility u/s 8(9) to avail the services of an expert to sort out the issues involved as per the requirement. Dr. Y.B. Sontakke, Joint Director, Maharashtra Pollution Control Board, Regional Office, Sion, Mumbai was invited as expert in Water Pollution. Accordingly he was present during the course of hearings in this matter.

14.0 Shri Shankarrao Shelar, President, BKS, Pune submitted a letter at the start of the proceedings of the hearing on November 14, 2017 addressed to the Authority requesting postponement of that very hearing. The reason was documents stated to be attached to the Authority letter dated September 25, 2017 were not received by his Advocate. The Authority removed the misunderstanding of the petitioners by clarifying that the document - the report of **Bhima River Pollution Control: Action Plan** was meant only for Dr. Y. B. Sontakke - the Water Pollution Expert appointed by the Authority for the purpose of this matter. In fact Exhibit



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'G' itself is the attachment to the petition of BKS (Exhibit 'G'). The brief note attached along with the document was just an informatory note prepared especially for the convenience of the expert.

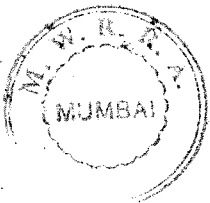
15.0 Adv. Nitin Deshpande on behalf of the MKVDC, Pune submitted in writing no objection to the postponement of the hearing sought by the Petitioner. Besides this, nothing eventful took place during the second hearing.

THIRD & FINAL HEARING ON JANUARY 2, 2018

16.0 The gist of pleadings made by the Petitioners & Respondents besides those which are already covered as arguments of the parties is as follows;

17.0 Shri. Chopade, SE, PIC, Pune defended the stand of the State Government and MKVDC with the following submission:

- (i) In reply to specific question of the Authority, Shri. Chopade stated that;
 - a. Between Pavana dam & Ravet Bandhara, water is being lifted at about 68 locations for non-irrigation uses
 - b. Bhima being scarce basin, it is not possible to release water into the river for dilution of pollution. The major pollution is on downstream side of the Ravet Bandhara.
 - c. In Pavana dam there is no Sectoral Allocation for environmental flow. However, 3.5 mcum water shall be released from Pavana dam for environmental flow in the months of March - May.
 - d. The hydropower project was commissioned in June 1986.
 - e. In reply to the specific question of the Authority, regulating water required for irrigation, Shri Chopade replied that maximum irrigation is 42.5 mcum.
- (ii) There are already 4 K.T. weirs in between Pavana dam & Ravet bandhara. Two new bandharas - Shivane and Gahunje - are planned to be completed. This will impound water necessary for irrigation
- (iii) After PCMC pipeline is commissioned, water required for irrigation & other non-irrigation users which are presently lifting water from the river stretch between Pavana dam and Ravet bandhara, daily



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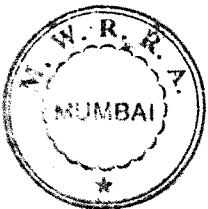
11.79 mcum water is required to be released. All the 6 K. T. weirs are going to maintain a certain level permanently.

18.0 Adv. Nitin Deshpande on behalf of MKVDC, Pune described the legal status of the liberty given by the Hon. High Court by an Order dated February 12, 2016 as follows:

- (i) Writ Petition is disposed of as withdrawn with liberty to the Petitioner to file an appropriate application to the Regulatory Authority.
- (ii) Hon'ble High Court has given option to the Petitioners to request Regulatory Authority to invite expert having special knowledge in the field of the water pollution as a special invitee.
- (iii) All contentions on merits are kept open.

Adv. Nitin Deshpande further argued that,

- (iv) A close look at the order of the Hon'ble High Court reveals that, there is no specific direction to the Authority. Hence, it is not mandatory to invite expert, if it is not legally possible.
- (v) While disposing of a matter, the Court grants liberty to the party "to apply" or "to mention". Normally, when a matter is finally decided and all the points have been decided, there exists no scope of reopening the issue already adjudicated on the basis of liberty granted "to mention" or to "apply". Such liberty cannot be sued as a means to achieve an object not otherwise available, namely, to reopen the questions decided. The very fact that, the Hon'ble High Court has kept all the issues open is indicative of the fact that, there is no direction to compulsorily entertain the review petition.
- (vi) In support of his argument he quoted 'Kevalchand Mimani Vs. S. K. Sen' (2001) 6 SCC 512'. Such a liberty does not confer the right to the party to agitate the matter further nor does it confer jurisdiction on the Court to further probe the correctness of the decision. The provisions in Section 114 read with Order 47 Rule 1 of the Code of Civil Procedure Code deal with the power of review. Section 114 of the Code of Civil Procedure confers power of review upon the Civil Court while the provisions of Order 47 Rule 1 lays down the circumstances in which review application may be entertained. Under this provision Review Petition is maintainable if;



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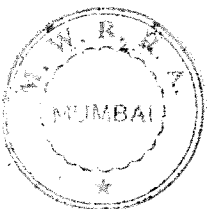
- a) Upon discovery of new and important matter or evidence.
- b) Error apparent on the face of the record.
- c) Any other sufficient reason.

In this case no such evidence has forthcome. Under the second ground a review is allowed when there is an error which is self evident and does not require an argument or examination to establish it.

- (vii) He submitted that Authority has dealt with all these points raised in the review petition when Case No.4/2011 was decided on May 16, 2012.
- (viii) The issue of water pollution caused on account of inadequate water supply has been brought to the fore by the Petitioners. The Authority has also ensured that some proportion of water be released from the reservoir for environmental flow. The loss of hydropower generation is also dealt with in details. As such the contents of review petition raising of water quality issue are uncalled for.
- (ix) He pleaded that the review petition deserves to be dismissed by denying the right to agitate and is devoid of merits.
- (x) New legal and relevant evidence could not be produced than that at the time of proceedings of Case No.4 of 2011 were going on.
- (xi) No error on the face of the record in the earlier Order of Authority could be brought to the fore nor are submission grounds advanced to entertain the review petition.

19.0 Shri. Ramdas Tambe on behalf of PCMC, Pimpri submitted as follows.

- (i) The pipeline work has been undertaken under JNNURM scheme and the work order is given in 2008. However, after August 9, 2011 firing incident, the work is stopped.
- (ii) The proposal comprises 35 km long pipeline in two rows out of which 9 km pipeline is already laid.
- (iii) Almost 95% of land acquisition work is completed and the compensation has been deposited into the treasury.
- (iv) Due to pipeline, 92 MLD (about 1 TMC) of water will be saved.



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- (v) At present water is being lifted from Ravet bandhara. After commissioning of the pipeline, electricity will be saved.
- (vi) Pipeline scheme has additional advantage of lifting water even from dead storage during scarcity period.
- (vii) MPCB is empowered to take action against polluters.
- (viii) Due to pipeline, irrigation will not be suffered.
- (ix) Water Audit in the year 2016-17 has been carried out and the report is already submitted to the Authority on December 9, 2017.
- (x) It is requested to dismiss the Review Petition filed by the Bharatiya Kisan Sangh by taking into consideration all the foregoing points & also the self-explanatory order of the MWRRA dated May 16, 2012.

SUMMARY OF THE EXPERT OPINION

20.0 Dr. Y. B. Sontakke (serving in MPCB office - Expert Water Pollution) categorically stated that;

- (i) It is not at all necessary to drop the proposal of pipeline for pollution considerations.
- (ii) The provision made by the Authority in its Order dated May 16, 2012 regarding release of 3.5 mcum water from Pavana dam during March to May for environmental reasons is adequate.
- (iii) It is not necessary to increase this provision for dilution of pollution. Instead, the pollution needs to be controlled at source by concerned polluters.

RECOMMENDATIONS OF BHIMA RIVER POLLUTION CONTROL ACTION PLAN

21.0 Pune Regional office of the Maharashtra Pollution Control Board has prepared an action plan for pollution control of Bhima River. Pavana river joins Mula river which in turn joins Mutha river which further joins Bhima river. All this network of rivers / tributaries belongs to Upper Bhima sub-basin of the Krishna basin.

The important facts and suggestions contained in the MPCB report are as below:-

- (i) Protection of water quality of natural water resources in Pune district is required to be dealt with on priority. In Pune district, although the



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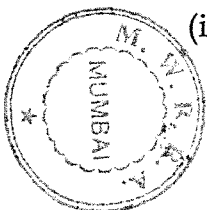
water requirements of urban areas are growing, natural water sources are limited. It is, therefore, necessary to plan the domestic water supply and sewage treatment properly.

- (ii) In Pune district, particularly within the boundaries of Pimpri-Chinchwad and PMC, the sewage generated is being let into Pavana, Mula, Mula-Mutha and Indrayani rivers. This causes large scale pollution of rivers. Due to discharge of untreated sewage into the rivers, the drinking water sources are being polluted.
- (iii) It is essential to identify the polluters responsible for pollution of drinking water sources, and prevent them from doing so. Also, it is essential to undertake short term and long term measures to resolve the drinking water issues of the villages along the banks of these rivers.
- (iv) The proportion of effluent generated is about 70-80% of the domestic water use.
- (v) The alternative option of decentralized sewage treatment plants needs to be assessed for its technical and financial viability.

22.0 Chapter 10 of the said report has concluded that the untreated sewage of local bodies is the main cause for pollution of river Bhima & its tributaries. Almost 541.92 million liters of untreated sewage is being discharged into the river daily. Untreated sewage from Pune city, Pimpri-Chinchwad, 10 Municipal Councils, Cantonment Area, Villages on river banks and Hinjawadi industrial area is being released into the river.

23.0 Chapter 11 of the report deals with the control measures. The proposed measures are;

- (i) Municipal corporations should commission Sewage Treatment Plants (STPs) at earliest which are at completion stage.
- (ii) Villages on the river banks should construct soak pits and treat the sewage water.
- (iii) In Pimpri-Chinchwad as well as Pune corporation area, trunk sewer lines should be laid along both the banks of the river so that untreated sewage will not meet the river.
- (iv) The minimum environmental flow needs to be maintained in the river to keep the pollution within control limits.



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- (v) The completion certificate should not be given to the residential complexes, educational complexes in the jurisdiction of local bodies unless sewage treatment and solid waste treatment plants are commissioned by them.
- (vi) Maharashtra Industrial Development Corporation shall implement integrated effluent treatment plants in its area and shall utilise treated effluent for gardening.

24.0 Para 7.4.1 of the report emphasises on controlling the pollution at source by way of constructing necessary sewage treatment plants.

DATA SUBMITTED BY THE RESPONDENTS

25.0 Respondent No. 6 in view of the directions given by the Authority during its first hearing on October 19, 2016 has submitted following data pertaining to last 10 years:

- a) Seasonwise quantum of water released for irrigation from Pavana reservoir,
- b) Seasonwise crops grown and the corresponding irrigated area,
- c) List of non-irrigation users and annual water use, separately for domestic and industries,
- d) Hydropower generated.

RELEVANT LEGAL PROVISIONS AND MANDATORY REQUIREMENTS OF CRITERIA

26.0 Chapter III of the MWRRA Act, 2005 pertains to the powers, functions and duties of the Authority. The relevant provisions in the MWRRA Act, 2005 and MWRRA (Amendment & Continuation) Act, 2011 are as under;

1. *Section 11 (a) - to determine the criteria for the distribution of Entitlements by the River Basin Agencies, within each Category of Use, on such terms and conditions as may be prescribed, after sectoral allocation is made under section 16A.;*
2. *Section 12 (4) - The Authority shall, in accordance with State Water Policy, promote and implement sound water conservation and management practices throughout the State.*



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27.0 The Government has decided the Sectoral Allocation on November 17, 2016. Thereafter the Authority, as per the provision in Section 11(a) of the Act, 2005 as amended by the MWRRA (Amendment & Continuance) Act, 2011 has determined the 'Criteria for Distribution of Surface Water Entitlements by River Basin Agencies for Domestic and Industrial Uses' in September 2017. The Authority in this Criteria has prescribed some conditions which are to be observed while distributing the domestic bulk water entitlements. The relevant prescribed condition is:

Clause 6.2 (i) - The entitlement shall be given from the reservoir. Domestic Bulk Water Users (DBWUs) shall lay pipelines from the reservoir upto the water treatment plant to avoid transit losses.

FRAMING OF ISSUES

28.0 Considering the written and oral submissions made by the parties, the Authority has framed the following issues in this matter:

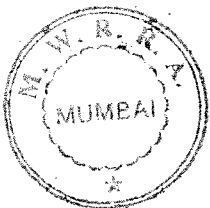
- (i) Is the Review Petition maintainable?
- (ii) Is it necessary to modify the Order of Authority dt. May 16, 2012 in the light of opinion rendered by the Water Pollution expert?

FINDINGS OF THE MWRRA

29.0 Findings of the Authority on the above issues are as under:

- (i) All the relevant points raised in this review petition are already considered by this Authority earlier in its Order dated May 16, 2012. The petitioners could neither produce any new evidence nor could they point out any apparent error in the records or in the Order of the Authority.

Respondent No.6 has argued on the maintainability of this Petition. The power of review conferred upon the Civil Courts is spelt out in Section 114 of CPC. The provision of Order 47 Rule 1 has laid down the circumstances under which the review petition is maintainable. Neither is any new and/or important evidence discovered nor any apparent error in the records occurred. The petitioners' side could not make out any positive in this regard.



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The Advocate to the Respondent No.6 quoted 'Kevalchand Mimani Vs. S.K. Sen (2001) 6 SCC 512'. High Court's Order dated February 12, 2016 has given the liberty to the petitioners to request the Authority to invite knowledgeable expert. Such a liberty does not confer the right to the party to agitate the matter further nor does it confer jurisdiction on the Court to further probe the correctness of the decision. This case law, therefore, also does not support the maintainability.

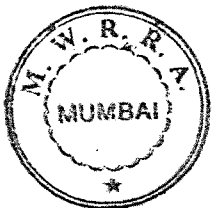
However, considering the Order of Hon'ble High Court, Mumbai dt. February 12, 2016 the Authority decided to assess the adequacy of environmental flow ascertained in its Order dt. May 16, 2012 with the help of the expert.

- (ii) The Authority in light of the opinion rendered by the expert, gist of which is given in Para 20.0 above does not find any reason to modify its earlier Order dt. May 16, 2012.

IMPORTANT OBSERVATIONS AND CONCLUSIONS

30.0 In addition to the foregoing findings on specific issues framed, some of our important observations and conclusions in this matter are summarised in what follows:

- a) Bhima sub-basin is water scarce sub-basin. Hence, it is the prime responsibility of all to conserve available water and use it optimally.
- b) Due to implementation of the pipeline project, about 1 TMC of water is going to be saved which can be used for meeting the growing demand of dependent population.
- c) In view of the provisions mentioned in the Para 27 above, it is mandatory for PCMC to lay a direct pipeline from the reservoir upto the treatment plants to avoid conveyance losses.
- d) Expert has confirmed that directions given by the Authority in its earlier Order dt. May 16, 2012 regarding e-flow (release of 3.5 mcum of water annually during March to May months) are adequate.
- e) The expert has emphasized on controlling pollution at the source by polluters rather than releasing water from the reservoir for its dilution.
- f) Authority found no legitimate ground for the Petitioners pray to cancel the pipeline project of PCMC.



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31.0 Hence, we pass the following Order:

ORDER

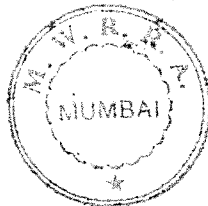
- a) The prayer of the Petitioners to cancel the pipeline project cannot be accepted.
- b) The directions given by the Authority in its Order dt. May 16, 2012 are reaffirmed after giving due consideration to the opinion rendered by the expert during the hearing.
- c) Respondent No. 6 shall protect the existing drinking water as well as irrigation entitlements from river Pavana within the stretch between Pavana dam and Ravet bandhara.
- d) The Respondent No.6 shall release the environmental flow as per earlier directions of this Authority dt. May 16, 2012.
- e) The Respondent No. 5 (MPCB and its field officers) shall take necessary steps against the polluters polluting the river Pavana on priority.
- f) The Petition stands disposed of.



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



(K. P. Bakshi)
Chairman





महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण Maharashtra Water Resources Regulatory Authority

CORRIGENDUM

IN

ORDER NO. 3 OF 2018

Case No. 3 of 2016 : In the Matter of the Review Application filed by Bhartiya Kisan Sangh and others (Dist. Pune) in regard to releasing water from Pavana reservoir as per Clause 22(3) of MWRRA Act, 2005 on the basis of direction of the Bombay High Court in its Order dated February 12, 2016 in WP No. 1863 of 2013

Coram: Shri. K. P. Bakshi, Chairman
Shri. V. M. Kulkarni, Member (WR.Engg.)

Date : March 19, 2018

1. Read 'is being lifted by Farmers' instead of 'is being lifted by PCMC' on Page No. 6, Para 12.0 (iii) of MWRRA's Order No. 3 of 2018 issued on February 26, 2018.
2. The word '92 MLD' on Page No. 10, Para 19.0 (iv) of MWRRA's Order No. 3 of 2018 issued on February 26, 2018 is deleted.

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

(K. P. Bakshi)
Chairman

