

महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

(महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण कायदा, 2005 चे कलम 3 अंतर्गत स्थापन झालेले वैधानिक प्राधिकरण)

Maharashtra Water Resources Regulatory Authority

(A Statutory Authority Constituted u/s 3 of MWRRA Act, 2005)

File No. MWRRA/2017/Legal/ Case No. 3(2018)/495

Date : 12 /07/2018

In the matter of

Petition filed by Adv. Shivaji Anabhule & 2 others through Adv. Kailash Shevale in the matter of releasing 1.2 TMC water from Kukadi Command into Sina Dam - Case No.3 of 2018

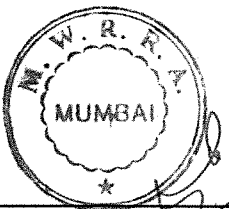
Please find herewith a copy of MWRRA Order No. 11/2018 dated July 12, 2018 in the above matter.

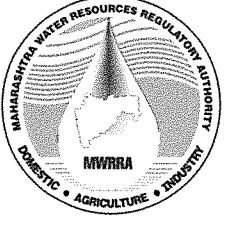
Encl : As above


(Dr. Suresh Kulkarni)
Secretary

Copy for information and necessary action to:

1. Adv. Kailas Shankararao Shevale, R/o Pategaon Tal. Karjat, Dist. Ahmednagar for Adv. Shivaji Maruti Anabhule & 2 others
2. Secretary (WRM & CAD), Water Resources Department, Mantralaya, Madam Kama Road, Mumbai - 400 032.
3. Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barane Road, Mangalwar Peth, Pune 411 011.
4. Chief Engineer (Specified Project), Water Resources Department Sinchan Bhavan, Barane Road, Mangalwar Peth, Pune - 411 011
5. Superintending Engineer, Kukadi Irrigation Circle, Sinchan Bhavan, Barane Road, Mangalwar Peth, Pune - 411 011





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Maharashtra Water Resources Regulatory Authority

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Order No. 11/2018

In the matter of

Petition filed by Adv. Shivaji Anabhule & 2 others through Adv. Kailash Shevale in the matter of releasing 1.2 TMC water from Kukadi Command into Sina Dam - Case No.3 of 2018

1. Adv. Shivaji Maruti Anabhule, R/o Ghumari, Tal. Karjat, Dist. Ahmednagar.
2. Adv. Kailas Shankararao Shevale, R/o Pategaon Tal. Karjat, Dist. Ahmednagar
3. Shri. Milind Dattatray Bagal, R/o Takali Khandeshwari, Tal. Karjat, Dist. Ahmednagar

....Petitioners

Versus

1. Secretary (WRM & CAD), Water Resources Department, Mumbai
2. Executive Director, Maharashtra Krishna Valley Development Corporation, Pune.
3. Chief Engineer (Specified Project), Water Resources Department, Pune.
4. Superintending Engineer, Kukadi Irrigation Circle, Pune.

.....Respondents

Interim Order

Coram : Shri. V.M.Kulkarni,
Chairperson & Member (W.R. Engineering)
Shri. Vinod J. Tiwari, (Member Law)
Dr. Shivaji T. Sangle (Member Economy)

Date : July 12, 2018



Adv. Shivaji Anabhule & 2 others through Adv. Kailash Shevale filed a Petition before the MWRRRA on April 20, 2018 seeking relief in the matter of releasing 1.2 TMC water from Kukadi Command into Sina Dam.

1. The prayers in the Petition in substance, are :

अर्जदाराचा अर्ज मान्य करण्यात यावा.

अ) वर नमूद हकिगतीस व परिस्थितीच्या अनुसरून कायदेशीर तरतुदीनुसार कुकडी लाभक्षेत्रात जमा होणाऱ्या एकूण पाण्यापैकी १.२ टी.एम.सी. पाणी समान व न्याय हक्काने व तुटीचे खोरे भरून काढण्यासाठी सिना धरणात १.२ टी.एम.सी. पाणी सिना धरणात कायम सोडण्याचा मे. कोर्टाचा आदेश व्हावा.

ब) सदर मंजूर कोट्यानुसार पाणी वाटपाचा व अवर्तनाचा कार्यक्रम ठरवून मिळावा. तसेच कुकडीच्या अवर्तनाबरोबर सिना लाभक्षेत्रातील पाण्याचे अवर्तन उपलब्ध करून द्यावे असा जाब देणा-याने आदेश करावा.

क) कुकडी धरणातील लाभक्षेत्रातून सिना मध्यम प्रकल्पासाठी हक्काचा समान न्याय हक्काप्रमाणे १.२ टी.एम.सी. पाणीसाठी उपलब्ध करून द्यावा व सिना धरण कुकडी प्रकल्पामध्ये वर्ग करून सिना धरणात रेग्युलर पाणी सोडणेत यावे ही विनंती.

क) सदर मंजूर कोट्यानुसार पाणी कोट्याचा व अवर्तनाचा कार्यक्रम ठरवून मिळावातसेच . कुकडीच्या आवर्तनाबरोबर सिना लाभक्षेत्रातील पाण्याचे आवर्तन उपलब्ध करून द्यावे देणाऱ्याने आदेश करावा असा जाब.

The first hearing was held on June 27, 2018 to which following were present:

Name	Designation
Shri. H. T. DhumalSuperintending Engineer, Kukadi Irrigation Circle, Pune.
Shri. S.N. KoliExecutive Engineer
Shri. Milind BagalPetitioner
Adv. Kailas ShewaleAdvocate for Petitioner
Smt. Vaishali Kurane Under Secretary & Executive Engineer WRD, Mantralaya, Mumbai.



2. Documents submitted

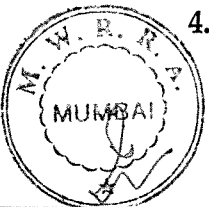
- 1) Para-wise reply submitted by Respondent No. 4 without any Affidavit.
- 2) Government Letter No. कुकडी ०३१८/प्र.क्र.१३७/१८/मोप्र १, दिनांक २२/०३/२०१८ submitted by Petitioner.

3. Pleadings by Parties

- 3.1 The Authority expressed displeasure over absence of representatives of Respondent No. 2 and 3 through notice were served.
- 3.2 The Authority pointed out that the Respondent No.4 has not submitted the Reply in Affidavit Form. Hence, the Reply submitted by Respondent No.4 is not tenable.
- 3.3 The Petitioner pointed out Government Letter No. कुकडी ०३१८/प्र.क्र. १३७/१८/मोप्र १, दिनांक २२/०३/२०१८ vide which Government has given in principle approval to let 225 Mcft water from Kukadi Project to Sina Project. In spite of this, the Project Authority has not obeyed the Government Directives.
- 3.4 The Petitioner pointed out that as per Revised Administrative Approval (hereinafter referred to as "RAA") to Proposal of Sina Medium Project, there is a provision to let out 1200 Mcft of water from overflow of Kukadi Dam in Sina Dam.
- 3.5 Respondent No. 4 argued that there is no corresponding provision in the project report of Kukadi Medium Project to let 1200 Mcft of overflow water in to Sina Dam. The Government vide Letter No. कुकडी ०३१८/प्र.क्र.१३७/१८/मोप्र १, दिनांक २२/३/२०१८ has given in principle approval for use of 225 Mcft of water from Kukadi Project for Sina Project. But now while according clearance to the RAA proposal of Kukadi Medium Project, SLTAC has recommended to use 100 Mcft water from Kukadi Project for Sina Project. Hence exact quantum of water to be used for Sina project from Kukadi project will be finalized only after approval to the RAA by the Government.

4. Observations of the Authority

The State Government has done considerable investment to create infrastructure for transferring water from Kukadi Left Bank Canal to Sina reservoir.



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Maharashtra Water Resources Regulatory Authority

9th & 11th Floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai-400005.

Authority is of opinion that according sanction to RAA and according sanction to revised water planning are two different issues. The Government can approve revised water planning of the Kukadi Medium Project, without waiting for approval to RAA.

5. **Directions**

Taking into consideration the pleadings made by the parties & the inputs received during the hearing, the Authority issues the following Interim Order;

Respondent No.1 shall issue Government Resolution approving Revised Water Planning of the Kukadi Project within 45 days from the date of issue of this order which shall indicate specific share of Sina Project and also quota of water to be diverted to Sina Project in water surplus years (when reservoir is overflowing). Thereafter, within 15 days Respondent No. 2 - 4 is to file an Affidavit in Reply. Further, the Petitioner is to submit Rejoinder, if any within a period of 15 days.

The next hearing in the matter will be held on October 3, 2018 at 12:30 hrs.

Vinod J. Tiwari
12.07.2018

(Vinod J. Tiwari)
Member (Law)

Dr. S.T. Sangle

(Dr. S.T. Sangle)
Member (Eco)

V.M. Kulkarni

(V.M. Kulkarni)
Member (WR Engg) & Chairman in charge

