



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

(महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण अधिनियम, २००५ चे कलम ३ अन्वये स्थापित वैधानिक प्राधिकरण)

Maharashtra Water Resources Regulatory Authority

(A Statutory Authority Established u/s 3 of Maharashtra Water Resources Regulatory Authority Act, 2005)



Order No. 02/2019

In the matter of

An Appeal filed by Solapur Municipal Corporation against the Primary Dispute Resolution Officer's Order dated March 7, 2018 regarding charges of the quantity of water billed as well as penal charges imposed.

- Case No.3 of 2019

Solapur Municipal Corporation,
Indrabhuvan, Railway Lines,
Solapur

....Appellant

----Vs-----

1. Executive Director,
Maharashtra Krishna Valley Development Corporation,
Sinchan Bhavan, Barane Road,
Mangalwar Peth, Pune-411011
2. Chief Engineer (SP),
Water Resource Department,
Sinchan Bhavan, Barane Road,
Mangalwar Peth, Pune-411011
3. Superintending Engineer & Administrator,
Command Area Development Authority,
Opposite Solapur Club, Solapur - 413003.



....Respondents

Interim Order

Coram : Shri. K. P. Bakshi, Chairman
Shri. Vinod J. Tiwari, (Member Law)
Dr. Shivaji T. Sangle (Member Economics)

Date : April 02, 2019

The Second hearing was held on March 26, 2019 to which following were present:

- 1) Shri. G. M. Dulange Public Health Engineer for Solapur Municipal Corporation - Appellant
- 2) Adv. D. G. Dhanure Advocate for the Appellant
- 3) Adv. A. N. Sontakke Legal Advisor for Appellant
- 4) Shri. D. B. Sale SE & Admin. CADA, WRD, Solapur- Respondent No. 3 & on behalf of Respondent No. 1 & 2
- 5) Shri. N. V. Joshi Executive Engineer, B. D. Division No. 2, Solapur for Respondents
- 6) Shri. P. R. Gavale Executive Engineer, U.D.M. Division, Solapur for Respondents

Pleadings by Parties

1. Adv. Dhanure for the Appellant has informed that as per this Authority's direction Solapur Municipal Corporation ("SMC" for short) has paid Rs. 32.00 Lakh to the WRD. The total dues paid by SMC from November 2015 to August 2018 are about Rs. 18.83 crore but if water bills are raised as per actual quantity lifted at Auj K. T. Weir on Bhima River, it comes to Rs. 7.50 crore. Thus, the SMC has overpaid Rs. 11.33 crore to WRD.
2. Adv. Dhanure has further submitted that it can be seen from the Bill No. 100 that the SMC is still in Agreement with WRD for water lifting at Auj K. T. Weir. Also, as per the Para 11(VI) of the Agreement dated 29/12/2014 regarding Water Bills, the bills shall be prepared on the basis of actual quantity lifted not the quantity of water released from the Ujjani Dam into Bhima River. Even such water is released, it can be used



by various users like farmers, Grampanchayats, Municipal Councils etc not only SMC from Auj K. T. Weir. The Respondents are not able to give information about charging done to these users. The Affidavit submitted by the Respondent is not in proper format as per MWRRRA Regulation.

3. Adv. Dhanure for Appellant submitted the copy of Supreme Court Judgement in SLP 13154 of 1987 dated March 17, 1988 wherein water to charge as per the actual water supply. Thus it is requested to charge SMC as per the actual quantity of water lifted. He also submitted that SMC has issued a Tender Notice for work of parallel pipeline from Ujjani Dam to Solapur city. The SMC is under process of issuing work order shortly to the selected bidder.
4. Shri. D. B. Sale - Respondent No. 3 stated that as per said Agreement, the SMC has to lift 20.08 Mm³ water per Year from Auj K. T. Weir at Takli. There is no mention of water to be released from Ujjani Dam to fill the Auj K. T. Weir. Water is released from Ujjani dam as emergency supply. He further submitted that not all losses but proportionate were charged to SMC. However, it is observed that no specific details have been given in the Affidavit.
5. Shri. N. V. Joshi - Executive Engineer, BDD - 2 Solapur stated that if only actual quantity of water lifting at Auj K. T. Weir is considered then SMC's calculation of Rs. 7.50 crore is correct.
6. Shri. G. M. Dulange - the officer of the Appellant has informed that before the Ujjani Dam constructed, SMC was lifting water from Auj K. T. Weir which was constructed in 1968. After Ujjani Dam construction, the water flow in Auj K. T. Weir is reduced.

Directions

7. Taking into consideration the pleadings made by the parties & the inputs received during the hearing, the Authority issues the following Interim Order;
 - i) As prayed by the Appellant, the delay in filing the Appeal is condoned.

Prima facia it appears that, the SMC has already paid more than the actual dues as per the Agreement dated 29/12/2014. However, this Authority's Member (Economics), Secretary and the Deputy



Director (Shri. Gokhale) should jointly examine the rules / orders and demands raised by calling both the parties and also arrive at actual dues till today within three weeks.

- iii) If SMC has paid less than actual dues, they should pay it immediately and if SMC has overpaid than actual dues, the same will be adjusted against future dues from SMC.
- iv) The WRD & SMC has not signed and renewed the Agreement with WRD for lifting of water from two sources i.e. water pipeline from Ujjani dam and Ekrukh Medium Project. The WRD should sign a fresh agreement with SMC in three weeks, till then SMC should be charged as per this Authority's Tariff Order.
- v) This Authority's Member (Economics) to study, assess & suggest a formula for notional conveyance loss to be apportioned to SMC at least for this specific case. Also, suggest suitable formula to the State Government for apportionment of losses in such cases to the user entity. The entire burden of losses cannot be thrust upon the user entity for losses due to various reasons enroute.

S. T. Sangle
14/19

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

Vinod J. Tiwari
01.04.2019

(Vinod J. Tiwari)
Member (Law)

K. P. Bakshi

(K. P. Bakshi)
Chairman

