

HELD AT \_\_\_\_\_ ON \_\_\_\_\_ TIME \_\_\_\_\_

Minutes of the 13/19 Authority Meeting held under the Chairmanship of Shri. K.P. Bakshi on Wednesday, the 1<sup>st</sup> day of January, 2020 at 3.30 P.M. at the Conference Hall, 9<sup>th</sup> floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai - 400 005.

**The following members attended the meeting:-**

- |      |                            |                      |
|------|----------------------------|----------------------|
| i.   | Shri. Vinodkumar J. Tiwari | Member (Law)         |
| ii.  | Shri. Shivaji T. Sangale   | Member (Eco)         |
| iii. | Shri. V. M. Kulkarni       | Member (Engineering) |

**Other Officers:**

- |     |                        |            |
|-----|------------------------|------------|
| iv. | Shri. Rasik M. Chauhan | Secretary  |
| v.  | Smt. Nasima Shaikh     | Registrar  |
| vi. | Shri. P.R. Khire       | Consultant |

**Special Invitee:-**

- |      |                     |                 |
|------|---------------------|-----------------|
| vii. | Dr. Mahesh Patankar | Consultant, WRG |
|------|---------------------|-----------------|

At 3.40 P.M, after ascertaining that the requisite quorum for the meeting was present, the Chairman called the meeting to order.

**ITEM NO. 1**

**Sub: To confirm the minutes of the previous 12/19 Authority Meeting held on 23<sup>rd</sup> October, 2019.**

The minutes of the 12/19 Authority Meeting were confirmed. As far as Item No. 1(ii) is concerned, Sr. No. 1 to 8 were re-confirmed and Sr.No.9 (ie Minutes of 11/18 meeting) was decided to put up for confirmation separately in the Authority Meeting.

**ITEM NO. 2**

**Sub: Action Taken Report.**

Summary of Action Taken Report on the directions issued in the previous Authority Meetings was tabled before the Authority. After discussion, following directions as mentioned below were issued.

Sr. No.	Subject	Remarks regarding action taken
1.	In the Matter of adverse effects on	It was discussed to form a

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sustainability of Irrigation / WRD Schemes due to outstanding payments towards supply of Bulk Water Charges to be recovered by Water Resource Department from Domestic & Industrial Bulk Water Utilities in the State of Maharashtra.	committee of 3 members and review enforcement monthly. Secretary to take guidance of Member (Law).
2. Proposal to start Media Cell with the support of external agency/professions/consultants.	It was discussed that since the subject was compiled, the Authority decided to drop this subject from Action Taken Report.
3. Empanelment of hotels by MWARRA for organizing workshops/seminars etc.	The Authority directed to finalise the agreement of empanelment of hotels expeditiously.

**ITEM NO. 3****Sub: Adoption of GRS-NIL**

There was no GR for adoption. Hence no business was transacted against this subject item.

**ITEM NO. 4**

**Sub: In the matter of the "Individual Water Entitlements" as defined in Section 2(1)(D) of the MWARRA Act 2005, and the Authority's obligation under Section 11 (g)(v) and 11(h) of the Act read with the mandate u/s 11(a), 11(c) & 11(d) read with 11(s) of the Act.-**

To direct the State Govt and the RBAs to collect and furnish complete relevant data of the individual lift irrigation schemes from surface water sources, bore wells, tube wells or other facilities used for extraction of sub-surface water at present in operation by the individual beneficiaries utilities of all sectors- irrigation, domestic and industrial and to issue further directions for administration, registration, measurement and the monitoring by the RBAs in close coordination with relevant government agencies as provided & empowered in the provisions of Section 11 (g)(v) of the Act to lay down the criteria for issuance of individual water entitlements and to set up mechanism to monitor the same and for that purpose

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RESOLUTION NO.62

WHEREAS, this Authority as laid down in the CHAPTER III of the MWRRRA Act, 2005, has been empowered to exercise certain powers and perform functions and duties. The provisions in the Section 11 deals with such powers and the functions of the Authority. The provisions in Section 11 (g)(v) deals with Individual Water Entitlements for construction and operation of individual lift irrigation schemes from surface water sources, bore wells, tube wells or other facilities for extraction of sub-surface water and administration, registration and monitoring by respective River Basin Agencies;

AND WHEREAS, at present there is no updated data in respect of Individual Water Entitlements (which are Other than Bulk Water Entitlements) given to the entities in the irrigation- Agro, domestic as well as industrial sector is available either with RBAs or this Authority as well as in the public domain and because of which this Authority can't ensure proper distribution of entitlements and its deliveries to the beneficiaries;

AND WHEREAS, this Authority found it prudent to have Individual Water Entitlement database in public domain as mandated by the Act which will also facilitate this Authority to perform various mandated functions;

AND WHEREAS, the Authority has already resolved, vide Resolution No.24 dated November 20, 2018 and sought the information pertaining to Individual Lift Irrigation Schemes, from surface water sources;

**THEREFORE, IT IS NOW RESOLVED THAT** the State Govt. and the River Basin Agencies (RBAs) be hereby directed to undertake drive to collect and furnish complete relevant data such as entitlement/authorizations/permissions given and actual use, within a period of three months from the date of this resolution, in respect of the individual lift irrigation schemes in operation by the individual beneficiary from tube wells, bore wells or other wells or by any other means of extraction of sub-surface water as defined in Section 2 (1)(z) of the Act.

**IT IS FURTHER RESOLVED THAT** Member (Law) and the Secretary of the Authority shall be responsible for monitoring the compliance of this Resolution and any other related matters. The Secretary shall submit to the Authority the information received and seek further orders from the Authority.

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## ITEM NO. 5

Sub: In the matter of the potential created through Soil & Water Conservation Department, Small Scale Irrigation Schemes under Zilla Parishad, Gram Panchayat, Local Bodies, Forest Department and other relevant agencies- viz-a-viz issue of "Entitlements" and tariff thereof as defined in Section 2 of the Act and the Authority's obligation under Section 11 of the Act:-

To direct the State Govt. and the RBAs to collect and furnish complete relevant data of the potential created through Soil & Water Conservation Department, Small Scale Irrigation Schemes under Zilla Parishad, Gram Panchayat, Local Bodies, Forest Department, Public Works Department, Jeewan Pradhikaran, MIDC, National Highway, Public Sector Undertakings & Private Sector- Company, Trust, Townships, Co-Operative Societies and other relevant agencies- viz- a-viz issue of "entitlements" and tariff thereof as defined in Section 2 of the Act and the Authority's obligation under Section 11 of the Act

RESOLUTION NO. 63

**WHEREAS**, the Authority has been mandated with the functions to regulate water resources within the State of Maharashtra, facilitate and ensure judicious, equitable and sustainable management, allocation and utilisation of water resources, fix the rates for use of water for agriculture, industrial, drinking and other purposes, and matters connected therewith or incidental thereto.

**AND WHEREAS**, the Act as provided in Sections 11, 12 and 14 read with various other provisions of the Act, has empowered this Authority with various powers and entrusted certain functions and duties.

**AND WHEREAS**, this Authority from the "Economic Survey of Maharashtra 2018-19" has observed that actual utilization of irrigation potential created through various Local Sector Schemes is not being monitored by the respective State agencies. It is further observed that without any base irrigation potential utilized is simply assumed as 35 per cent, which is very low;

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AND WHEREAS, in order to exercise powers and perform duties as mandated in the Act it is very much essential for this Authority to have such data;

IT IS, THEREFORE, RESOLVED THAT the State Govt. and the River Basin Agencies (RBAs) be directed to undertake massive drive to collect and furnish complete relevant data of the potential created, its actual utilization and other non irrigation uses, through schemes constructed and or managed by Soil & Water Conservation Department, Zilla Parishad, Gram Panchayat, other Local Bodies, Forest Department etc. and other relevant agencies within a period of three months.

IT IS FURTHER RESOLVED THAT Member (Law) and the Secretary of this Authority shall be responsible to monitor the compliance of this Resolution. The Secretary shall furnish the information received to the Authority for further action.

ITEM NO. 6

Sub: Formation of Standing Committee under MWRRRA Act, 2005 for carrying out preparatory work for implementation of provisions in Maharashtra Groundwater (D&M) Act, 2009 which do not require Rules.

MWRRRA has two major responsibilities. One, to act as a regulator for water resources and two, to act as a State Groundwater Authority for development & management under Maharashtra Groundwater (D&M) Act, 2009. While, in the regulatory field the Authority has taken very important regulatory decisions right since its inception, the State Groundwater Authority has not done any substantial work, worth the mention. Causes are many. Some are beyond our control, but many are within our control. State Groundwater Authority has to concentrate on those which are fully within its control. Therefore following proposal is being put up to the Authority for consideration in the light of the historical developments as follows.

The Maharashtra Groundwater (Development & Management) Act, 2009, though christened as an Act of 2009, the English translation of the Act came to be published under the authority of Governor in the year 2013 and enforced w.e.f. 01-06-2014. Thereafter steps have been taken by Water Supply & Sanitation Department with the support of GSDA to frame rules

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under the Act. The rules have been provisionally published & final publication of rules is awaited.

As per Section 3 of the above Act, the Maharashtra Water Resources Regulatory Authority established under Section 3 of the Maharashtra Water Resources Regulatory Authority Act, 2005 has been declared as the State Groundwater Authority (SGWA) for the purpose of the Maharashtra Groundwater (D & M) Act, 2009. Many of the provisions in the Maharashtra Groundwater (D & M) Act, 2009 do not attract any Rules. Hence the MWRRRA is at liberty to initiate & complete actions as per those sections which are not requiring any rules passed under the Act.

Time and again this matter has been discussed & Chairman has given instructions to take up the activities under those Sections which are not attracting any rules under the Act.

However, the progress so far has been dismal. We cannot afford to lose further time as rapid depletion of groundwater levels is going to pose huge water scarcity problems.

It is felt that for taking some of the decisions related to preparatory work for full implementation of the Maharashtra Groundwater (D&M) Act, 2009 under various Sections, a Standing Committee is required to be constituted to fast track the actions under MWRRRA Act, 2005.

Therefore it is proposed that a Standing Committee of under the Chairmanship of Member (GW) be constituted for those Sections under the Maharashtra Groundwater (D&M) Act, 2009 which do not attract the requirement of any rules for its implementation. By the time the rules are notified finally by the State Government, this committee can at least complete the preparatory work such as well census, well registration, drilling rig registration, designing & developing app for monitoring drilling rigs' movement in the State, monitoring water levels in the wells, mapping, holding public awareness, workshops & campaigns using the authority given in the Act, read with the provision under MWRRRA Act, 2005 wherever applicable.

Therefore it was discussed that;

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**RESOLUTION NO. 64**

**WHEREAS**, Maharashtra Groundwater (Development & Management) Act, 2009 was passed in 2009 and the English translation under the authority of Governor was published in 2013 & enforced w.e.f. 01-06-2014;

**WHEREAS**, Section 3(1) empowers the Maharashtra Water Resources Regulatory Authority established under Section 3 of Maharashtra Water Resources Regulatory Authority Act, 2005 to act as the State Groundwater Authority for the purpose of the Maharashtra Groundwater (Development & Management) Act, 2009;

**WHEREAS**, there are certain provisions in the Act which empower the Authority to discharge such functions and duties assigned to it under this Act only, in the manner as may be prescribed;

**WHEREAS**, there are still some other provisions in the Maharashtra Groundwater (Development & Management) Act, 2009 which confer powers on the MWRRA but do not require any prescribed Rules;

**WHEREAS**, inordinate delay is taking place in taking forward those activities under Maharashtra Groundwater (Development & Management) Act, 2009 which do not require any specific rules;

**WHEREAS**, this inordinate delay is directly affecting in discharging the functions of Authority as State Groundwater Authority and in turn affecting the groundwater resource management, thereby allowing fast depletion of groundwater levels and reckless use & extraction of groundwater for various purposes;

**NOW THEREFORE IT IS RESOLVED THAT** a Standing Committee under the Chairmanship of Member (GW) of the Authority and other constituents and invitees as shown below, be formed in order to take various actions, in consonance with the provisions in Maharashtra Groundwater (D&M) Act, 2009.

**FURTHER RESOLVED THAT** Chairman of the Authority is hereby empowered to nominate other Members including Invitee or Expert Members on this Committee to ensure the various obligations under the said Act read with relevant provisions under MWRRA Act, 2005 and address issues referred to it in a time bound manner.

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Members:-

- |                        |   |                               |
|------------------------|---|-------------------------------|
| 1. Member (GW)         | - | Chairperson                   |
| 2. Member (Law)        | - | Member                        |
| 3. Consultant (GW)     | - | Member                        |
| 4. Any other expert(s) | - | nominated by Chairman, MWRRRA |
| 5. Director            | - | GSDA, Pune, Maharashtra       |
| 6. Secretary, MWRRRA   | - | Member Secretary              |

Invitees:

- |                      |   |              |
|----------------------|---|--------------|
| 1. Regional Director | - | CGWB, Nagpur |
|----------------------|---|--------------|

## ITEM NO. 7

**Sub: Regarding deletion of Budget Head with respect to completed irrigation projects.**

RESOLUTION NO. 65

**WHEREAS** there was a prevailing practice in the Water Resources Department of Govt. of Maharashtra, to continue the Budget Head and keep some nominal allocation of budget for the purpose of meeting any unforeseen expenses in the case of even fully completed water resource projects;

**WHEREAS** this practice of continuing to show the water resource projects under the Budget Head, resulted in allocation of more funds for extension or for augmentation of the projects and encouraged the process of getting revised administrative approval even on very old and completed water resource projects;

**WHEREAS** this practice was detrimental to prevention of thinning of resources over various projects and inherently promoted the practice of resorting to revised administrative approvals of old projects and bypassing the priority queue of projects in waiting;

**WHEREAS** the Planning Department of Govt. of Maharashtra, the Water Resources Department and the Finance Department have now started a procedure of deleting fully completed projects from the budget Book and that this practice has been in vogue from last about 5-6 years and has been effective in arresting thin spreading of resources to a good extent;

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**WHEREAS** this process of deleting completed projects from the Budget Book needs to be converted into a standing regular procedure for the relevant department to follow;

**WHEREAS** the MWRRRA is mandated to determine and ensure stable funding to various projects under construction and to stop thin spreading of resources over several projects;

**WHEREAS** the MWRRRA, in order to ensure that there is no thin spreading of the resources, is required to be informed at the end of every financial year about the status of newly included projects and deletion of old completed projects on a regular basis;

**NOW THEREFORE IT IS RESOLVED THAT** the Water Resources Department be directed to submit an **AFFIDAVIT** containing the information of projects completed and deleted in the immediately preceding Financial Year in the enclosed Proforma I and Proforma II), latest by 30<sup>th</sup> of September of every year.

**FURTHER RESOLVED THAT** the Secretary, MWRRRA shall be responsible for ensuring the submission of information on **AFFIDAVIT** from Water Resources Department every year and shall put up to the Authority within one month of receipt of such information.

**ITEM NO.8**

**Sub: Proposal for procuring services of Broadcast Engineering Consultants India Limited (BECIL) for MWRRRA.**

The issue of manpower shortage in MWRRRA was brought to the notice of the Authority by Secretary. In this regard the proposal for procuring services from Broadcast Engineering Consultants India Limited (BECIL), a Govt. of India enterprise, was put up before the Authority, wherein need of 4 Project Associates, 1 Management Consultant, 4 Office Assistants, 1 System Integrator and 1 E-governance consultant was mentioned. The issue was discussed at length.

Member (Engg.) suggested bringing down the number of resources. Accordingly the number was brought down from proposed 11 to 4. It was further suggested that if the performance of resources is good then more resources can be asked for. Chairman pointed out that due to acute shortage of manpower in the Authority, many important things are left pending. So he stated that, services from BECIL should be availed.

However, the same was opposed by Member (Engg.) and Member (Law). On this Chairman and Member (Eco), both voted in favor of the proposal. The dissent note of same is attached herewith. And also the reasons behind exercising of Casting Vote by the Chairman are attached herewith. Considering the equality of votes, Chairman exercised his casting vote right as per Regulation 9(6) of the MWRRRA (Conduct of Business) Regulations, 2013, thereby the resolution was passed:

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**RESOLUTION NO. 66**

**“RESOLVED THAT** the Authority hereby approves availing of technical and non technical support from Broadcast Engineering Consultants India Limited (BECIL) with respect to 1 project Assistant, 1 Management Consultant, 1 System Integrator and 1 E-governance Consultant.”

**“RESOLVED FURTHER THAT** the Secretary of the Authority be and is hereby authorised to do all such acts, deeds, things as may be necessary to give effect to aforesaid resolution with the prior approval of Chairman.”

**ITEM NO. 9****Sub: “Waste Water Reuse Certificate - Resolution”.**

The draft of Maharashtra Water Resources Regulatory Authority Water Entitlement Transfer (WET) and Wastewater Reuse Certificates (WRC) Platform Regulations, 2019 was put up before the Authority. This draft was already circulated to all Members, Chairman and Secretary. Further the draft was put up for public comments. Accordingly, whatever comments came, the Authority deliberated on comments and entire draft. The proposed platform for Water Entitlement Transfer (WET) and Wastewater Reuse Certificates (WRC) transfer will be useful in future for exchange of water entitlement rights as well as for promoting wastewater reuse and recycling.

Therefore it was decided that the draft regulation be approved and sent to Government for its final approval. Simultaneously the guidelines under the proposed regulation may also be taken up by the Authority for finalization. Hence the following resolution was passed:

**RESOLUTION NO. 67**

**“RESOLVED THAT** the Maharashtra Water Resources Regulatory Authority Water Entitlement Transfer (WET) and Wastewater Reuse Certificates (WRC) Platform Regulations, 2019 be and is hereby approved by the Authority.”

**“FURTHER RESOLVED THAT** the Regulation as approved by the Authority may be sent to Government of Maharashtra in Water Resources Department for their approval and final notification.”

**“FURTHER RESOLVED THAT** the Secretary with the approval of Chairman shall complete the entire process expeditiously.”

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**VOTE OF THANKS:**

There was no other matter to discuss. The meeting was concluded with vote of thanks to the Chair.

Date: 5.2.2020



Place: Mumbai

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## Proforma-1

## Abstract of IDC wise Deleted Projects for last 3 years

Sr.No.	Budget year	No.of Projects budgeted in Previous F.Y	No.of Projects budgeted in Current F.Y	No. of Projects deleted *	IDC wise details of deleted Projects					
					6	7	8	9	10	11
					KIDC	TIDC	MKVDC	GMIDC	VIDC	Total
1	2017-18									
2	2018-19									
3	2019-20									
	<b>Total</b>									

\* NOTE- (Col.5) need not/may not be necessarily equal to (Col.3-Col.4) because of newly included projects in Col.4 (if any)

The above information has been verified by and found correct

Secretary  
WRD, GoM

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**Proforma-II**  
**List of Completed Projects in Current F.Y**

Sr.No.	Name of Corporation	Name of Project	Latest AA Cost (Rs)	Expenditure made (Rs)
1	KIDC			
2	TIDC			
3	MKVDC			
4	GMIDC			
5	VIDC			
	<b>TOTAL</b>			

Secretary  
WRD, GoM

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HELD Note to be recorded in the Minutes of Meeting dated 01.01.2020 against the Agenda revised Item No. 8 (Old Item No.7) in the Meeting No.13/2019

The Member (Law) and Member (WRE) opposed the Agenda revised Item No. 8 (Old Item No.7) in the Meeting No.13/2019 dated 01.01.2020 - titled as 'Proposal for Procuring services of Broadcast Engineering Consultants India Ltd. (BECIL) for MWRRRA' - for the reasons stated herein below :

- 1) In spite of consistent demand along with draft resolution circulated, the comments of the Id.Secretary, Registrar as well as Accounts Officer were neither made available nor anything discussed prior to moving the Resolution in respect of the said Agenda Item. Hence, the need for the proposal, its financial, administrative and other consequences /impact was not known. Therefore, it was difficult to understand the need and the impact thereof.
- 2) The bare perusal of the said Resolution covered under the Agenda Item, clearly demonstrate that its for the hiring of the services of various personnel viz. Project Associate (4 Nos.), Management Consultant (1 No.), Office Assistant (4 Nos.), System Integrator (1 No.) and E-Govt Consultant (1 No.) Total recruitment/hiring of 11 persons. Such hiring / engagement / appointments of the personnel is against the provisions contend in Section 8 (2) of the MWRRRA Act, 2005 read with the various provisions in the MWRRRA (Recruitment and Condition of the Services of Employees) Regulation 2013. Hence, such Resolution can not be adopted and passed being contrary to the provisions of the law. Therefore, it is opposed.
- 3) As provided in the MWRRRA (Recruitment and Condition of the Services of Employees) Regulation 2013, the engagement / hiring / appointment can be made by the Authority only in respect of sanctioned posts stipulated in Appendix "A" provided as per Regulation No.3 and 4 that too with the educational qualifications, experience and other conditions stipulated in Appendix "B" of the said Regulations of 2013. The Resolution covered under the above Agenda Item is contrary to this statutory provisions. Hence, opposed.
- 4) The job descriptions, job specifications in respect of said personnel viz. Project Associate ( 4 Nos.), Management Consultant (1 No.), Office Assistant (4 Nos.), System Integrator (1 No.) and E-Govt Consultant (1 No.) Total recruitment/hiring of 11 persons, have not been provided and therefore, its need as well as justifications in light of "Appendix A and B" of the Regulations, 2013 is not given hence, opposed.
- 5) In our opinion Procurement /hiring / engagement of Project Management Consultant, System Integrator etc. are not at all necessary at present considering the working and the mandate of the Authority.

Hence, the resolution is opposed for the above reasons to be recorded in Minutes of Meeting.

Member (WRE)  
Mumbai

Dated : 01.01.2020

Member (Law)

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Response to the dissent note recorded by Member(Engg) and Member (Law) in the minutes of meeting dt.01.01.2020 against the Agenda revised item no.8 (old item no.7 in the meeting no.13/2019).

Member (Law) and Member (Engineering) opposed the Agenda revised item No.8 (old item no.7 in the meeting No.13/2019) dated 1.1.2020, titled as 'Proposal for procuring services of Broadcast Engineering Consultants India Limited (BECIL) for MWRRRA' and recorded their reasons.

Regulation 9 (6) of the MWRRRA (Conduct of Business) Regulations, 2013 provides special right in the form of casting vote to the Chairperson, but Chairperson is not expected to give any reason or explanation on exercising of casting vote. However, Chairman has decided to give reasons in this case.

There were two votes opposing the Resolution, one of Member (Law) and the other of Member (Engineering). There were two votes in favour of the Resolution, one of Member (Economics) and the other of Chairman. In the event of equality of votes, the Chairperson has a second or casting vote, as per the MWRRRA (Conduct of Business) Regulations, 2013, No.9(6). In the above Authority meeting, the Chairman exercised his casting vote rights.

The reasons for exercising this power by the Chairman, are as under :-

**Response to Point No.1 :** Chairman has no comments.

**Response to Point No.2 :** Both the Members have used the word 'recruitment' in the 4<sup>th</sup> line of point no.2. It may be clarified that it is not recruitment by MWRRRA and certainly does not attract the provisions contained in Section 8(2) of the MWRRRA Act, 2005, read with various provisions in the MWRRRA (Recruitment and Condition of the Services of Employees) Regulation 2013. Section 8(2) of the MWRRRA Act is regarding appointment of officers and employees (both regular and contractual). This is out-sourcing of services to a public sector undertaking and not recruitment by MWRRRA. Hence the

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Resolution can be adopted as it is not contrary to any of the provisions of law. Hence casting vote is being exercised.

**Response to Point No.3 :** The MWRRRA (Recruitment and Condition of the Services of the Employees) Regulation, 2013, pertains to appointment by recruitment. This agenda item does not pertain to recruitment by MWRRRA. Hence the Resolution is not in contravention of any of the existing provisions, so the casting vote is being exercised. The position mentioned by the Members in Point No.3 is entirely mis-conceived. The basic difference between appointment by recruitment and out-sourcing of services has not been well understood. Appointment by recruitment is a permanent addition to the workforce and in some way adds to the liability of any organisation, whereas out-sourcing of services, is for a limited and temporary period and it does not add to any permanent liability. In appointment by recruitment, there is a little freedom to replace the appointed/recruited personnel, but in out-sourcing of services, there is full freedom for replacement of personnel provided by the out-sourcing agency if they are found to be not performing well. In appointment by recruitment all responsibilities of employer remains with the Authority, whereas in out-sourcing the employer is the public sector undertaking and responsibility lies with them, not with MWRRRA. Because of these reasons the Agenda Item is perfectly in order. Hence the casting vote is being exercised.

**Response to point No.4 :** Again there is a reference to recruitment of 11 persons in the light of "Appendix A and B" of the Regulations, 2013. This position has already been explained above. There is no violation of any regulation.

**Response to point No.5 :** Project Management Consultant and System Integrator, both are necessary not only at present as the Members have mentioned, but also in future, considering the working and entire mandate of the Authority, including that of the State Groundwater Authority. The mandate

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of the MWRRRA Act, 2005 and that of State Groundwater (Development and Management) Act, 2009, is very vast and is not limited to just a few sections of the Act, as it has been wrongly and continuously projected by a few members. Hence the casting vote is being exercised.

In addition to above point-wise responses, the following may also be kept on record.

Member (Engineering) gave his opinion on File No.MWRRRA /2019/BECIL/54, page no.6 of Noting Side, "I support the proposal. The qualification for Project Associate to Member (Engg) is enclosed." The Member (Engg) had also submitted his qualification requirement for Project Associate on page-No.19 of the Correspondence Side of the File. So, it is clear that Member (Engg) was all along in full agreement and had supported the proposal. During discussions also, Member (Engg) in the Authority meeting suggested reduction of the number of resources persons from 11 to 4 which was agreed upon. Also it was suggested that after seeing the performance, more resources can be asked for. But at the time the resolution was put to vote, Member (Engg) suddenly changed his stand and voted against the resolution. It appears that he could not take a firm decision on the subject. Hence he preferred to remain uninformed. Therefore, with no option left, Chairman exercised his casting vote.


Member (Law) had raised a few points and had made a few suggestions on Noting page No.6 which was responded to by the Secretary. It was concluded by the Secretary on page 9 of the Noting Side of same File, that there were no such documental evidence from Government of Maharashtra regarding an alternative arrangement of out-sourcing of such resource persons. Moreover, Secretary also opined that the rates are approximately in the same range. I had also clearly stated on page 12 of Noting side of same File, that "even now Secretary can find out, after discussing with Member (Law) as to which Govt. Resolution for man-power provider has been issued by the

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Government of Maharashtra, the same should be produced.” Till the date of meeting, no such documents were available. Hence it was confirmed that the suggestion of Member (Law) regarding getting support services from other Government of Maharashtra arrangement, was based on hearsay and based on his common knowledge.

Lastly, many things of importance are still pending in the Authority. One example is that, as per the request of Principal Secretary, Water Resources Dept., we are supposed to frame rules and regulations under the MWRRRA Act and present to the Government of Maharashtra for their consideration and final publications. This has not happened even after a few months have passed from the date I made written request to Member (Law). Similarly, ongoing Water Tariff exercise for the control period 2020-23 has over-shot, the time-line which was jointly decided and agreed upon by all the Members. There have been instances when a prepared paper, such as Approach Paper, etc. have been corrected, many times & too many revisions and amendments have been made even after the publication on the Website. This has happened only because there is a tendency on the part of some of the Members to get engrossed in avoidable minute details at their own level and not involve any other resource. The proposed resources should be in a position to take away much of the micro level workload of Chairman and Members and relieve them of working on very micro level and provide the support system so that Member, Chairman and the entire Authority can take major policy decisions at Macro level in a much faster way and not get stuck with micro-level details. Hence the casting vote is being exercised in favour of the Resolution.

  
Chairman

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**DRAFT****MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY,****MUMBAI****9th Floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai 400 005****dated the ----- Feb 2020****NOTIFICATION****Maharashtra Water Resources Regulatory Authority  
Water Entitlement Transfer (WET) and  
Wastewater Reuse Certificates (WRC) Platform Regulations, 2019**

No. MW/RRRA 2019/WRC regulations.—In exercise of the powers conferred by Section 31 read with clause (a), (b), (d), (g), (k), (l), (m), (o), (p), (q), (s), (t) of Section 11 and clause (1), (3), (4) & (5) of Section 12 read with the provisions contained in Section 15 & Section 16 of the Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah. XVIII of 2005), the Maharashtra Water Resources Regulatory Authority (the Authority) hereby makes the following Regulations titled “Maharashtra Water Resources Regulatory Authority Water Entitlement Transfer (WET) and Wastewater Reuse Certificates (WRC) Platform Regulations, 2019”.

*Preamble –*

*Whereas, the Authority has been entrusted with the statutory responsibilities and obligations of various powers, functions and the duties as enumerated in Chapter III of the Act under which the Authority is duty bound to develop the State Water Entitlement data base that shall clearly record all Entitlements issued for the use of water within the State, any transfers of Entitlements and a record of deliveries and uses made as a result of those Entitlements;*

*And Whereas, the Authority is also mandated to implement the General policies of the Authority in respect of working according to the State Water Policy as formulated and adopted by the State Water Council (the Council), constituted under the provisions of Section 16 of the Act, under which the Council has approved the Integrated State Water Plan (ISWP) which further mandates the Recycle and Reuse of the treated water generated by the local bodies in the state and accordingly the Authority is duty bound to*

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implement the said mandate pertaining to the Recycle and Reuse of the treated water generated by the local bodies in the state

*And Whereas, the Authority shall promote and implement sound water conservation and management practices throughout the State and shall support and aid the enhancement and preservation of water quality within the State in close co-ordination with the relevant State Agencies and in doing so the 'Polluter to Pay' principle shall be followed.*

*And Whereas, the Authority having consulted various groups & organizations, recognizes the need of implementation of the State Water Entitlement Database and the mechanism related to the transfer of such Entitlements in the interest of the stakeholders, resolved to specify the Regulations thereof which includes the mechanism for Waste Water Reuse and Trading of the Certificates thereof in order to promote water conservation, recycling and reuse in multiple sectors, as the discharge of untreated or inadequately treated wastewater causes environmental pollution and human health risks. Such discharge also amounts to loss of a valuable resource such as reusable wastewater – that can improve economic productivity.*

*And Whereas, given the fact that Maharashtra is having the highest number of water reservoirs, Entitlements Holders and vis-à-vis sewage-generating states in India, and yet the key urban centers in the state have only sub-optimal levels of sewage treatment.*

*And Whereas, Maharashtra's State Water Policy also encourages recycling or reuse of treated wastewater and mandates penal action of the polluter of water resources and the Act states that the polluter-pays-principle should be followed for preservation of water quality, and the ISWP as adopted and approved by the Council also mandates the Wastewater Treatment, Recycling and Reuse Policy and focuses on wastewater recycling in local body areas as per the standards prescribed by the Central Pollution Control Board and/or the State Pollution Control Board or as per the norms specified by Bureau of Indian Standards as may be applicable from time to time .*

*And Whereas, in accordance with the Government Resolution No.Misc-2017/19/(07/17)/WR(Est.) dated 18<sup>th</sup> May, 2017 as issued by the Water Resources*

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Department, the State has constituted a multi stakeholder platform for promoting water use efficiency and sustainability, creating framework for governance/policy reform, advising on innovative financing and partnerships under which this Authority is contributing for the cause of Wastewater Reuse and Management work stream and thus having studied the issue found it prudent to have separate Regulations.

*And Whereas, in accordance with the mandate of the law and the intent of the policies, this Authority, in discharge of its functions, role and responsibilities, found it prudent to take necessary steps in this regards and having discussed & resolved, now intends to specify these Regulations.*

**1. Short Title, Object, Commencement and Application**

(1) These Regulations may be called the "Maharashtra Water Resources Regulatory Authority Water Entitlement Transfer (WET) and Wastewater Reuse Certificates (WRC) Platform Regulations, 2019" and will come in to effect from the date of publication of the notification in official gazette. These Regulations are applicable to the entire State of Maharashtra and to all matters connected or incidental thereto within the jurisdiction of the Authority in the interest of the stakeholders.

(2) The object of these Regulations is to set up a framework and mechanism for Water Entitlement Transfer (WET) and Wastewater Reuse Certificates (WRC) Platform mechanism in following parts:

(a) **State Water Entitlement Database:** It shall be mandatory on the part of River Basin Agencies (RBAs) to maintain up to date of all Entitlements within their jurisdictions as per the guidelines framed by the Authority and for this work all officials of the RBAs shall work under the control and directions of the Authority as issued from time to time.

(b) **Transfer of Entitlements:** The Authority shall provide platform and the framework for the transfer of the Entitlements in the interest of stakeholders as per the guidelines to be framed from time to time after having consulted the stakeholders and after giving opportunity of hearings to all concerned and the Authority shall be empowered to alter,

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modify and amend the guidelines pertaining to the said Transfer & Trading platform and the framework from time to time. In order to achieve the object of the Act pertaining to the State Water Entitlements Database and the Transfer of Entitlements including the Transfer of Wastewater Reuse Certificates, the Authority shall be free to use suitable mechanism based on latest technology and the real time monitoring system in consultation with the RBAs and the stakeholders, apart from engaging the consultants/ auditors as well as rating agencies as per the guidelines to be issued from time to time.

(c) ***Targets for efficient use of fresh water Entitlements and Recycle and Reuse of the treated water generated by the Water User Entities in all sectors:***

The Authority shall issue suitable guidelines, procedure and directions on setting the targets and principles of compliance with the target and also issuance of Wastewater Reuse Certificates. As far as the efficient use of the fresh water as well as the Recycle and the Reuse of the Treated Wastewater, the target as set out and fixed in the ISWP as well as the Government Resolutions as may be issued from time to time shall be implemented and in order to give the breathing time to the Bulk Water Users Entity, the Authority may consider to implement it on a sliding scale, meaning it will vary depending on the entity that generates and/or treats wastewater (e.g., type of sector and type of the entity within that sector or a ULB) and also constraints pertaining to the various factors such as geographical, economical and other governing factors which will be considered on its merit on case to case basis by the Authority and nothing in this Clause shall prevent the Authority from issuing orders, directions and/ or advisories as may be necessary from time to time by either taking Suo Motu cognizance or upon the issue being brought to the notice of the Authority ,

(d) ***Framework and Mechanism:*** The Authority shall prepare the framework and mechanism for the transfer of the Entitlements as well as the transfer and trading of the Wastewater Reuse Certificates and for such mechanism



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the Authority shall take into the account to adopt the framework and mechanism either on state level or on respective RBA level.

(e) **Obligation of RBAs and the Bulk Water Users Entity for Compliance:**

The Authority shall create a framework for transfer of fresh water Entitlements and WRCs among different Water Users Entities and wastewater-generating entities. This includes laying out the procedure for data collection and validation and a path for entities to treat the wastewater at a certain level and recycle or reuse it and its shall be obligatory on the part of the stakeholders to comply with the various directions given by the Authority..

2. ***Definitions: In these Regulations, unless the context otherwise requires***

- 1) ***“Act”*** means the Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah. XVIII of 2005) as amended from time to time;
- 2) ***“Agricultural User”*** means any Water User Association, where formed, at minor level, distributary level, canal level or project level, which is supplied bulk water for distribution among its members, or an individual farmer, where Water User Association has not been formed or formed but not become operational, who is supplied water directly by the project authority, primarily for growing crops;
- 3) ***“Application”*** means application submitted by the Bulk Water Supply Entity to the Authority for reviewing / revising / determination of the tariff system for bulk water supply;
- 4) ***“Approach Paper”*** means a document that prescribes detailed methodology that will be adopted by the Authority for determination of the criteria for bulk water charges and establishing Water Tariff system pursuant to power under subsection (d) of the Section 11 of the Act;
- 5) ***“Auditor”*** means the Chief Auditor – Water Audit of the Water Resources Department of the State or any other agency / audit consultant as approved and authorised by the Authority in consultation with the Auditor as per the specified Guidelines as may be notified from time to time.

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- 6) **“Bulk Water Supply Entity” (BWSE)** means any entity engaged in supply of Bulk Water, including the Water Resources Department of the State, the River Basin Agencies as defined in the Act, Any other State Government/Semi-Government/Local Self Government/ or any other Organization/ Company/ Society /Entity in Public or Private sector;
- 7) **“Bulk Water Tariff System”** means charges for supply of Bulk Water to various category of users and it shall also include incentives and disincentives set to facilitate certain strategic objectives provided in the Act;
- 8) **“Bulk Water Tariff”** means the Volumetric Tariff for the supply of Bulk Water;
- 9) **“Bulk Water User Entity” (BWUE)** means any entity to whom bulk water is supplied by the Bulk Water Supply Entity and shall include Water Users' Association, Utility, Industrial Users' Association or any other group;
- 10) **“Bulk Water”** means any water supplied on volumetric basis to the specific category or categories of use from surface water resources produced by a project, river system or storage facility created or naturally available in the State, either in Public or Private Sector as the case may be;
- 11) **“Certified Water Auditors”** means a cadre of technical and/or financial / accounting experts having passed a certain qualification criteria as notified by the Authority from time to time;
- 12) **“Commercial use”** means water use by any commercial entity to which water is made available for commercial use such as, but not limited to, restaurants, lodges & hotels, water sports/resorts, swimming pools, clubs, malls, hospitals, stadiums, construction activities etc and any other activity as may be identified by the Authority as commercial activity from time to time;
- 13) **“Conduct of Business Regulations”** means such Regulations as may be specified by the Authority pursuant to Section 31 of the Act;
- 14) **“Consultant”** includes any person not in the employment of the Authority who may be appointed as such, following the procedure to be notified and adopted by the Authority, to assist it on any matter required to be dealt by the Authority under the Act;



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- 15) **“Control Period”** means the period for which the tariff order is applicable and shall be the three consecutive water years, starting from the water year in which the tariff order is issued and shall also include any extensions given by the Authority;
- 16) **“Cost of Administration”** means the expenses of offices at division level and above on items such as but not limited to salaries and allowances of staff actually engaged in administration of irrigation management, office expenses, legal charges, audit fees, office rent if any, overheads etc;
- 17) **“Criteria for Bulk Water Tariff” (CBWT)** means key principles adopted by the Authority for determination of Bulk Water Tariff System for various category of users, after meeting the requirements prescribed under Section 11 (d) of the Act;
- 18) **“Designated Users”** means all the end-users of water who have been mandated by this Authority to recycle and reuse certain percentage of wastewater defined further as “Targets” or “Recycling Targets”;
- 19) **“Domestic User”** means any public or private body or organization or local bodies (Gram Panchayat, Urban Local Bodies - Municipal Corporation, Municipal Councils, Nagar Panchayats, Industrial Townships, Cantonments Boards, any other planning & development authority as may be notified by the Central or the State Government and also includes the bodies like - Maharashtra Jeevan Pradhikaran, Maharashtra Industrial Development Corporation, CIDCO and such other organizations) to whom bulk water is made available by the WRD / Industrial Development Corporations (IDC) for distribution to domestic uses with or without treatment;
- 20) **“Entitlement Holder”** means the holder of any authorization issued by any River Basin Agency to use water for the purposes of the Act;
- 21) **“Experts”** means experts in the field of water management, water use economics, law, any other expert as identified by the Authority;
- 22) **“Industrial User”** means any industry (including industrial development Corporations) to which Bulk Water is made available by the BWSE for industrial use or in process;

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- 23) "*m<sup>3</sup>/day*" means cubic meter per day;
- 24) "*MLD*" means million liters per day;
- 25) "*Processing Fees*" means the applicable fees as notified by the Authority from time to time, required to be deposited by the Bulk Water Supply Entity, along with the application, for determination of the Bulk Water Tariff;
- 26) "*Recycling Targets*" OR "*Targets*" means targets of water recycling that are notified by the Authority and must be achieved by domestic, industrial, commercial and agricultural users;
- 27) "*Regulatory Fees*" means the fees to be collected by the BWSE from the user entities along with the water charges at the rate notified by the Authority from time to time and to be deposited with the Authority quarterly on pass through basis.
- 28) "*Stakeholder*" means any Bulk Water User Entity or Entitlement holder or an individual farmer as an agricultural user or any registered organization representing the interests of any of them;
- 29) "*Water Accounting Year*" means the year starting from 1<sup>st</sup> of July of any calendar year and ending on the 30<sup>th</sup> of June in the next calendar year;
- 30) "*WRC*" means Wastewater Reuse Certificate as may be issued under the framework covered under the present Regulation based on the use of disruptive technologies or any other methodology as may be determined and notified by the Authority in consultation with the experts in the field and as may be modified, altered or amended from time to time.
- 31) Terms not defined in these Regulations will have the same meaning as assigned to them under the Act or under the Maharashtra Management of Irrigation System by Farmers Act, 2005 (Maharashtra Act No. XXIII of 2005) or under the Maharashtra Irrigation Act, 1976 (Maharashtra Act No. XXXVIII of 1976) or Companies Act 1956 or any other relevant statutes as amended from time to time.
3. *Framework and Mechanism for Fresh Water Entitlements Data and the recycling and Reuse targets monitoring and guidelines and principles of compliance.*

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- (1) The Authority shall issue guidelines and procedures for Fresh Water Entitlements Data, Transfer of Entitlements and the recycling and Reuse targets monitoring in consultation with various agencies / departments and set up mechanism thereof, as may be notified from time to time. The Authority shall further review, establish and issue targets, as the case may be but such targets shall not be inconsistent with the targets specified in the ISWP, as may be modified from time to time by the Council. Such targets shall be issued for entities that generate wastewater, which include the domestic, industrial, and agricultural sectors and further issue guidelines for Wastewater Reuse Certificates to incentivize the efficient local bodies or the industries or other Bulk Water Users Entity including housing complexes and townships.
- (2) For setting up the mechanism for review and fixing the Targets, the Authority shall develop mechanism based on the following principles and procedures: i) To be expressed as percent volume of fresh water used, wastewater treated, recycled and/ or reused, ii) Shall vary based on the prevalent end-use technologies as may be selected in consultation with the RBA and various stakeholders iii) Costing parameters of applicable technologies and considering the financial difficulties;
4. Application for Review of Orders, directions and advisories as issued by the Authority:
- (1) *The Authority shall have powers to review the Orders, directions and the advisories issued under these Regulations*
- (2) *The Application for such review may be filed with the Authority within a period of 60 days from the date of pronouncement and hosting on website of such orders, directions, or the advisories and such applications for review shall be supported by the Affidavit stating reasons thereof and such application including the application for condonation of delay for review may be entertained by the Authority, if it is satisfied that there exist the cause for the review.*
- (3) *The decision taken by the Authority on such review shall be conclusive, final and binding.*

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## 5. Saving of inherent power of the Authority

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Authority to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Authority.
- (2) Nothing in these Regulations shall deem to limit or otherwise bar the Authority from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, in view of special circumstances of a matter or class of matters and for reasons to be recorded in writing, which the Authority deems necessary or expedient.
- (3) Nothing in these Regulations shall, expressly or impliedly, bar the Authority to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Authority may deal with such matters, powers and functions in a manner it thinks fit.

## 6. Interpretation. The Authority shall be the final authority for interpretation of these Regulations

## 7. General Power to Amend/Rectify.

The Authority may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any Proceedings before it (including any clerical or arithmetical error in any order passed by the Authority), and all necessary amendments, rectifications shall be made for the purpose of determining the real question or issue arising in the Proceedings.

*Provided that if the Authority desires to make amendments or rectifications in order to determine the real question or issue arising, the Authority shall provide an opportunity to the parties affected by such amendment or rectification, touching the real question or issue, to make representations and submissions with respect to the proposed amendment or rectification.*

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**8. Power to remove difficulties.**

In case of any difficulty which arises in giving effect to any of the provisions of these Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act or rules made thereunder, which appears to be necessary or expedient for the purpose of removing the difficulties.

**9. Extension or abridgement of time prescribed.**

Subject to the provisions of the Act and the Rules made thereunder, the time prescribed by the Guidelines issued under these Regulations or by order of the Authority for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by an order of the Authority on case to case basis on its own merit.

**10. Effect of non-compliances :**

The failure to comply with any requirement of these Regulations or the Guidelines issued thereunder shall attract such penalties as provided under the guidelines or by following the lawful provisions pertaining to the Principles governing Polluter to pay and shall not be restricted considering the adverse impact of such non-compliance

**11. Enforcement of orders passed by the Authority.**

The Secretary of the Authority or the officer authorized by the Authority shall ensure proper enforcement and compliance of the orders, directions or the advisories as issued by the Authority from time to time, by the entities concerned in accordance with the provisions of the Act and regulations and if necessary, may seek further orders of the Authority, as per the Conduct of Business Regulations, 2013 as modified from time to time.

**Mumbai**  
**XX August 2019**

**Er. Rasik Chauhan**  
**Secretary**  
**Maharashtra Water Resources Regulatory Authority**

HELD AT \_\_\_\_\_  
Date: 23.01.2020

ON \_\_\_\_\_

TIME \_\_\_\_\_

From: Vinod Tiwari, (Member Law &amp; Gw - I/c)

To

The Chairman

*From: not spending*

Sub : Comments on the draft of Minutes of Meeting No.13/19 dt.01.01.2020 - Corrections to be made therein as per the provisions in Regulation 9 of the MWRRA (Conduct of Business) Regulations, 2013 read with Section 9 of the MWRRA Act, 2005.

Ref: Draft of MoM of Meeting No. 13/19 circulated on 22.01.2020 pursuant to the objections raised in the Meeting No. 1/20 dt.21.01.2020 when the MoM were placed for confirmation without circulation of the draft of MoM.

Sir,

Further to the above referred draft of MoM of Meeting No. 13/19, I have gone through the contents in the said MoM referred herein above in the subject matter and would like to correct the MoMs against the relevant resolutions where no proper recording in the minutes in a clear and concise manner along with the reasons have not been done.

Comments for correction in said MoM are as under :

As to Agenda Item No.1 : No Comments

Agenda Item No.2 : No Comments

Agenda Item No.3 : No Comments

Agenda Item No.4 : No Comments


Agenda Item No.5 : No Comments

Agenda Item No.6 : No Comments

Agenda Item No.7 : No Comments

However, in all Agenda Items from 1 to 7 following Para need to be added in each Resolutions :

***"This Resolution has been placed for voting and is passed with 4:0 votes and the resolution as recorded above is passed and adopted."***



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**Agenda Item No.8:**

Minutes in respect of this Agenda Item No. 8 have not been recorded properly.

It needs to be corrected as the submissions made by the undersigned /Member (Law) have not at all reproduced and recorded which should be as under :

After Para 2, add Para 3 with respect to the submissions made by Member (Law).

*"Member (Law) strongly objected to the proposal under this Agenda Item and submitted that such engagement of personnel through such agency is contrary to the provisions of the Act as well as relevant Regulations which do not permit such engagement /hiring of the services of any personnel on the posts mentioned in the proposal unless statutory prior approval from the State Govt. is obtained under Section 8 (2) of the Act. He further submitted that even if it is considered as hiring of services, it has to be done through proper competitive bidding and transparent tender process as per the norms and the CVC Guidelines and therefore such engagement/hiring of personnel under the grab of services is against the law. While opposing the Resolution he further submitted that detailed note recording the reasons will be placed on record which need to be incorporated in the resolution as the submissions made by the Member (Law) while strongly opposing the motion."*

After Para 5 add Para 6 with respect to the voting on the motion under Item No.8

*"This Resolution has been placed for voting and Member (Law) and Member (WR Engg) voted against the motion and Chairman as a Member and Member (Economics) voted in favour of the motion. Since there was equality of the vote, Chairman exercised his casting vote and thus the motion against this Item No.8 is passed with 2:2 + 1 = 2:3 votes and the resolution as recorded above is passed and adopted."*

Comments on the reply / response by the Chairman on the Note recorded by the Member (WRE) and Member (Law) :

The views expressed in Para 9, 10 and 11 – titled from "In addition to above ....." " And ending with ".....based on the here say and his common knowledge "

Need to be deleted as Chairman has not made any such submissions in the meeting and hence the views expressed unilaterally after words without affording an opportunity to other Members can not be the part of the MoM as no such discussion was taken place. The views submitted by the Chairman are based upon his own unilateral assumptions and presumptions that too in absence of any such relevant issue raised by the Members.



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Such unilateral views that too not expressed in the meeting can not be the part of MoM and if at all recorded, an opportunity of the rebuttal of the allegations made against the Members be given and be recorded simultaneously given the fact that the work of the preparation of draft of the Rules and the Regulations under the Act was awarded to the KPMG and the draft Rules duly seen by the Member - Law have already been submitted 6 months back to the Secretary for doing needful and the work of draft Regulations as awarded to KPMG is pending even after follow ups. Hence, the allegations are baseless and without verification of the facts from the file, hence, uncalled for and need to be deleted as these are all the after thoughts based upon misconceptions.

  
(Vinod Tiwari)  
Member - Law

Copy with complements for information and with the request for necessary action :

- 1) Hon'ble Member (WRE), MWRRRA
- 2) Hon'ble Member (Eco), MWRRRA

Copy for information and with the request for necessary action

- 1) Ld. Secretary, MWRRRA

Note of Member (Law) dated 23/01/2020 has been seen. The para below "Agenda Item No.7: No Comments" that the following para "*This resolution has been placed for voting and is passed with 4:0 votes and the resolution as recorded above is passed and adopted*" should be added in each resolution, needs to be seen in the light of relevant provisions and procedures including Conduct of Business Regulations.

Regarding other observations of Member (Law) third para on Page-2 is accepted.

Regarding other matters mentioned by Member (Law), I feel the observations of Member (Law) should be respected and be kept on record.

  
Chairman

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Date : 24.01.2020  
From - V.M.Kulkarni (Member - WRE)

To  
The Secretary,  
MWWRA.

Sub : Comments on the draft of Minutes of Meeting No.13/19 dt.01.01.2020

Ref : Draft of MoM of Meeting No. 13/19 circulated on 22.01.2020.

Respected Sir,

I have gone through the contents in the said MoM referred herein above in the subject matter and my observations are being submitted as under.

**Item Wise Comments :**

As to Agenda Item No.1 : No Comments

Agenda Item No. 2 : No Comments

Agenda Item No.3 : No Comments

Agenda Item No.4 : No Comments

Agenda Item No.5 : No Comments

Agenda Item No.6 : No Comments

Agenda Item No.7 : No Comments

Agenda Item No.8 :

**General Comment :**

MoM should primarily be based on discussions actually took place in the meeting. Comments on general working of the other members and presumptions are not desirable. It is fact that Hon. Chairman has exercised the casting vote in favour of the resolution. However, while doing so he had not given justification in the meeting. I appreciate that Hon. Chairman has every right to support his decision by recording the merits conceived by him. Although, Hon Chairman has full powers to finalise the MoM, I respectfully propose to delete some of the contents / statements from his response sheet which are not factual and the mention of which in the MoM, in my opinion is unwarranted . Contents proposed for deletion

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are in bold italics. My justification for deletion of such contents is also submitted. I am not insisting on including the justifications given by me but for deletion of certain contents which in my opinion are unwarranted. The decision of casting vote can be justified by the merits conceived.

***(a) "as it has been wrongly and continuously projected by few members"***

**Justification for deletion:** The comment is unwarranted here. If it is to be kept, specific mention of member should be made with evidence. I am quite aware of the mandate of the Authority.

***(b) "it appears that he could not take decision on the subject . Hence, he preferred to remain uninvolved"***

**Justification for deletion :**

I have taken considered decision to oppose the resolution because:

- i) Subsequently appointments of 4 Assistant Directors were made.
- ii) There are no applications to integrate at present
- iii) Decision of appointing MRSAC as system integrator was already taken in the internal meeting.
- iv) Services of Project Management Consultant are already available in the form of KPMG
- v) In my opinion, proposal is not justifying need at present.
- vi) In proposal brought forward for consideration of the Authority, no comments of Secretary and Account Officers were included. Same were not shown to me through file also.

© ***"Similarly, on-going Water Tariff exercise ..... any other resource "***

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**Justification for deletion :**

- i) In my opinion the delay caused in Tariff proposal is not due to inadequate staff, but due to undue priority being given to other regulatory plus activities .
- ii) It is also a fact that the State Government is yet to submit tariff proposal.
- iii) The Act has entrusted the responsibility of determination of tariff on the Authority. As a Authority member, I have right to go in minute details wherever I deem it necessary.

**Agenda Item No.9 :**

Following contents may be included

**"Member (WRE) submitted that the Guidelines referred in Para 2 (c) of the draft Regulations are the integral part of the Regulation. Hence needs to be sent to the State Government along with the Regulation "**

My views may please be brought to the notice of the Hon. Chairman while finalising the MOM.

  
(N.M.Kulkarni)  
Member – WRE

Firstly, it is not proper to advise that certain portions of the content of the note of Chairman should be deleted or modified. Even if such an advice is given, it is not proper to accept

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such an advice because any signed document submitted within the Authority becomes a part of record of the Authority. Once it becomes a part of record of the Authority, it can neither be withdrawn nor be modified nor any part be deleted. It will amount to meddling with the records.

Secondly, there is no provision in any of the Acts and Rules pertaining to MWRRRA whereby, giving reasons for casting a vote in favor of resolution or against a resolution is to be given. It is wrong notion being carried that every vote cast against a particular motion, has to be accompanied by reasons. It is not necessary. Casting a vote either in favor of a motion or against a motion would suffice. From the voting itself it is clear that certain Members have opposed a resolution while certain others might have supported a resolution. No further step is required. Submitting reasons for voting against a resolution that too, after the voting is over, is like not only safeguarding the interest of those who have voted against the resolution but is also like walking a step further to point out as to how those who have voted in favor of the resolution are wrong. When such reasoning is signed and submitted after voting is over, it provokes the other Members and gives them also the freedom to record their reasons as to why they supported the resolution. In other words, any reasons or dissent note when submitted tends to make it necessary even for other Members to submit their reasons. This becomes an endless exercise. Here also since the reasons have been submitted after voting was over, the Chairman also put on record discussing and the thought process which has resulted into exercising his casting vote. Both these records are attached to the minutes of meeting and cannot be part of minutes as they were not mentioned in those letters and sentences.

Thirdly, the proposed resolution was for availing technical and non-technical services of Government of India undertaking. Naturally the resolution amounted to some expenditure from MWRRRA. Therefore, those who did not vote in favor of resolution were not at any risk of audit or other questions. The risk was with those who voted in favor of the resolution including Chairman who exercised his casting vote. Therefore there was no reason at all to walk a step further and try to safeguard the interest when they were at no risk at all. Motive of the recording of reasons after the meeting, is therefore not understood.

Having said the above things, I think it would be better to respect the observations of Member (WRE) and hence his observations would also be a part of record.

  
Chairman

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