



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)



No. MWRRA/ 2018/Legal/ Case No 6(2018)/192

Date : 27/02/2020

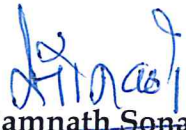
Case No. 6 of 2018

In the Matter of

Appeal by Shri. Nandkumar Dagdu Mane (Patil), Chairman, Chandragiri Kalwa Pani Vapar Sahakari Seva Sanstha Ltd., Rahimatpur (Satara) & two others as regards Water Allocation between Dhom & Dhom Balkavadi Projects as per DPR

Please find enclosed herewith a copy of MWRRA Order No. 02/2020 dated 27/02/2020 in the above matter.

Encl : As above


(Dr. Ramnath Sonawane)
Secretary, MWRRA

Copy for information & necessary action to:-

1. Shri. Nandkumar Mane (Patil), Chairman, Chandragiri Kalwa Pani Vapar Sahakari Seva Sanstha Ltd., Rahimatpur (Satara), 415511.
2. Shri. Avinash Mane, Chairman, Kal Bhairav Kalva Pani Wapar Society, Rahimatpur (Satara), 415511.
3. Shri. Shivaji Mane, Chairman, Pawan Putra Kalva Pani Wapar Society, Rahimatpur (Satara), 415511.
4. Secretary (WRM & CAD), Water Resources Department, Mantralaya, Madam Kama Road, Mumbai - 400 032.
5. Chief Engineer (WR), Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 411 011

6. Superintending Engineer, Satara Irrigation Project Circle, Sinchan Bhavan, Krishnanagar, Satara - 415503
7. Superintending Engineer, Satara Irrigation Circle, Sinchan Bhavan, Krishnanagar, Satara - 415503.
8. District Collector, Collectorate Office, Powai Naka, Satara 415001.
9. *Shri. Vilas Nalawade, Hanumant Water User's Association, Alajapur, Phaltan Satara through Adv. Vishwanath S. Talkute, 5, 1st florr, Parekh Vora Chambers, 66 Nagindas Master Road, Fort, Mumbai - 400001.*
10. Shri. Santosh Hanumantrao Shinde, Jyotirling Water Users Association, Koparde, Tal. Khandala, Dist. Satara - 415521.



सत्यमेव जयते

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/ 2020

(Issued in Compliance Proceeding &
Review Applications arising out of Order No. 03/2019)

In the Matter of

Appeal by Shri. Nandkumar Dagdu Mane (Patil), Chairman, Chandragiri Kalwa Pani Vapar Sahakari Seva Sanstha Ltd., Rahimatpur (Satara) & two others as regards Water Allocation between Dhom & Dhom-Balkavadi Projects as per DPR - Case No. 6 of 2018

1. Shri. Nandkumar Dagdu Mane (Patil), Chairman, Chandragiri Kalwa Pani Wapar Sahakari Seva Sanstha Ltd., Rahimatpur (Satara), 415511.
2. Shri. Avinash Jayavant Mane, Chairman, Kal Bhairav Kalva Pani Wapar Society, Rahimatpur (Satara), 415511.
3. Shri. Shivaji Kondiram Mane, Chairman, Pawan Putra Kalva Pani Wapar Society, Rahimatpur (Satara), 415511.

..... Appellants

---Vs---

1. Chief Engineer (WR), Water Resources Department, Sinchan Bhavan, Barne Road, Mangalwar Peth, Pune - 411 011
2. Secretary (WRM & CAD), Water Resources Department, Mantralaya, Madam Kama Road, Mumbai - 400 032.
3. District Collector, Collectorate Office, Powai Naka, Satara 415001.
4. Superintending Engineer, Satara Irrigation Circle, Sinchan Bhavan, Krishnanagar, Satara - 415503.
5. Superintending Engineer, Satara Irrigation Project Circle, Sinchan Bhavan, Krishnanagar, Satara - 415503
6. Shri. Vilas Nalawade, Hanumant Water Usage Co-operative Society Ltd, Alajapur, Phaltan Satara through Adv. Vishwanath S. Talkute, 5, 1st floor, Parekh Vora Chambers, 66 Nagindas Master Road, Fort, Mumbai - 400001.

Shri. Santosh Hanumantrao Shinde, Jyotirling Water Users Association, Koparde, Tal. Khandala, Dist. Satara - 415521.

.....Respondents



Coram: Shri. K. P. Bakshi, Chairman
Shri. V. M. Kulkarni, Member (WRE)
Shri. Vinod J. Tiwari, Member (Law)

Date : February 27, 2020

BACKGROUND

1. An Appeal was filed by Shri. Nandkumar Dagdu Mane (Patil), Chairman, Chandragiri Kalva Pani Vapar Sahakari Seva Sanstha Ltd., Rahimatpur, Dist: Satara & 2 others against the Order of Primary Dispute Resolution Officer (PDRO) dated May 25, 2018 in the matter of water allocation of Dhom and Dhom-Balkawadi Project as per DPR. The PDRO in its Final Order stated water allocation of Dhom & Dhom-Balkawadi project should be done as per the decision of Canal Advisory Committee by considering storage as on 15th October in dam, non-irrigation water use, evaporation etc as per Government policy. Accordingly, having aggrieved by the PDRO's Order, Appellants filed an Appeal before this Authority on June 19, 2018 (Case No. 6/2018).
2. The Authority conducted three hearings & disposed off the matter on April 09, 2019. As per the directions given, the Compliance hearing was scheduled on July 16, 2019. The Authority took the Para-wise compliance of the directions given.
3. Respondent No. 4 on behalf of Respondent No. 4 (Superintending Engineer, Satara Irrigation Circle, Satara) and No. 5 (Superintending Engineer, Satara Irrigation Project Circle, Satara) submitted the detailed compliance report vide affidavit dated November 04, 2019.
4. Respondent No. 4 - Superintending Engineer, Satara Irrigation Circle, Satara has filed Condonation of Delay Application and the Review Application dated December 24, 2019 to mainly review the Authority's directions given in Para 30 (A) (iv) & (vii).

Adv. Vishwanath S. Talkute, on behalf of Respondent No. 6 - Shri. Vilas Nalawade, Chairman, Hanumant Water Usage Co-operative Society Ltd, Alajapur, Phaltan Satara applied for review of Para 30 (A) (vii) of this Authority Order dated April 9, 2019.



6. Adv. Vishwanath S. Talkute, on behalf of Shri. Manoj Anpat, Chairman, Proposed Shri. Pavanai Devi Water Usage Society No. 5, Koregaon, Satara & 3 others also filed a Review Application dated January 24, 2020 to review mainly the Authority's directions given in Para 30 (A) (iv) of this Authority Order dated April 9, 2019.

PRAYERS IN REVIEW APPLICATION OF RESPONDENT NO. 1, 2, 4 & 5 DATED DECEMBER 24, 2019.

7. The Respondents have sought following amendments to the Order of this Authority dated April 9, 2019 through Review Application with copy to Applicants and other Respondent parties in Original Case No. 6/2018;
- The Government LIS on DLBC shall be allowed to lift water in Hot Weather season i.e. after 28th February for irrigation and/or drinking purpose as there is provision in the approved project report.
 - The individual lifts on DLBC shall be allowed to lift water in extended part of the Rabbi rotation beyond 28th February, if rotation gets extended.
 - The individual lifts on DLBC shall be shall be allowed to lift water in Hot Weather season, if surplus water is available in the particular year.
 - Restriction for season wise quantum of water utilisation for Dhom-Balkawadi canal shall be relaxed, if surplus water is available.
 - Dhom-Balkawadi canal shall be allowed to run beyond 28th February if Rabbi Rotation gets extended due to any reason.

PRAYERS IN REVIEW APPLICATION OF RESPONDENT NO. 6 DATED JANUARY 24, 2020.

8. The Respondent has sought following amendments through Review Application;
- This Hon'ble Authority be pleased to review the Order No.3 of 2019 dated April 9, 2019 passed by this Hon'ble Authority in Case No. 6 of 2018 to the extent of clause (vii) of Para 30 (A) and reconsider the same on merits.



- b) Pending the hearing and final disposal of present Review Application, the effect, operation, execution and implementation of the impugned Order No.3 of 2019 dated April 9, 2019 passed by this Hon'ble Authority in Case No. 6 of 2018 to the extent of clause (vii) of Para 30 (A), be stayed.
- c) Pending the hearing and final disposal of the present Review Application, this Hon'ble Authority be pleased to permit the concerned Authorities to release water in the Dhom-Balkawadi canal for irrigation, even after 28th February.
- d) Ad-interim relief in terms of prayer clause (b) be granted.
- e) Costs of the Petition be provided.
- f) Any other appropriate reliefs in the facts and circumstances of the present case be granted in favour of Applicants.

**PRAYERS IN REVIEW APPLICATION OF SHRI. MANOJ ANPAT,
CHAIRMAN, PROPOSED SHRI. PAVANAI DEVI WATER USAGE
SOCIETY NO. 5, KOREGAON, SATARA & 3 OTHERS DATED
JANUARY 24, 2020.**

9. The Applicant has sought following amendments through Review Application;
 - a) This Hon'ble Authority be pleased to review the Order No.3 of 2019 dated April 9, 2019 passed by this Hon'ble Authority in Case No. 6 of 2018 to the extent of clause (iv) of Para 30 (A) and further permit Government LIS namely the Vasana LIS, Wangana LIS and Kawathe-Kenjal LIS to function for 12 months as per its prescribed quota, and even after 28th February.
 - b) Pending the hearing and final disposal of present Review Application, the effect, operation, execution and implementation of the impugned Order No.3 of 2019 dated April 9, 2019 passed by this Hon'ble Authority in Case No. 6 of 2018 to the extent of clause (vii) of Para 30 (A), be stayed.
 - c) Pending the hearing and final disposal of the present Review Application, this Hon'ble Authority be pleased to permit the concerned Authorities to allow Government LIS namely the Wasna LIS, Wangana



LIS and Kawathe-Kenjal LIS to function for 12 months as per its prescribed quota, and even after 28th February.

- d) Ad-interim relief in terms of prayer clause (b) be granted.
- e) Costs of the Petition be provided.
- f) Any other appropriate reliefs in the facts and circumstances of the present case be granted in favour of Applicants.

10. The Gist of Proceeding dated January 29, 2020:

The following parties were present for the hearing;

- | | | |
|-----------------------------|---|---|
| 1. Shri. Nandkumar D. Mane | } | for Appellants |
| 2. Shri. P. P. Mane | | |
| 3. Shri. Jagdish P. Pawar | | |
| 4. Shri. R.G. Tambe | | |
| 5. Adv. A. P. Pawar | | ... Advocate for Appellants |
| 6. Shri. Rohit R. Pol | | ... DS & SE, WRD, Mantralaya, Mumbai for Respondent No.2. |
| 7. Shri. Sanjay Doiphode | | ... Superintending Engineer, Satara Irrigation Circle, Satara - Respondent No. 4. |
| 8. Smt. Vaishali Kurne | | ... US & EE, WRD, Mantralaya, Mumbai for Respondent No.2. |
| 9. Shri. A. S. Pawar | | ... Executive Engineer, Satara Irrigation Division, Satara for Respondent No.4. |
| 10. Shri.A. J. Salunkhe | | ... Executive Engineer, Dhom Balkawadi Project Division, Satara. |
| 11. Shri. Nitish Potdar | | ... Asst. Executive Engineer, Satara Irrigation Division, Satara for Respondent No.4. |
| 12. Adv. B. T. Gaikwad | | ... Advocate for Respondent No. 4 |
| 13. Adv. Vishwanath Talkute | | ... Advocate for Respondent No. 6 |

11. Respondent No. 4 appraised the Authority about the actions taken in compliance to this Authority's Order dated April 09, 2019.

12. The Authority has observed that the Agreements with the Appellants are still awaited. Also there is no satisfactory progress on repairs of canals and



fixing water meters on individual lifts. Although, the Respondents have uploaded the information of individual lifts on the website. The information is not self explanatory. Canalwise, Villagewise abstracts need to be given. Quantity of water sanctions is given without any unit.

13. Adv. A. P. Pawar, Advocate for Appellants submitted that due to some personal family matter, a reply on Review Application of Respondent No. 4 could not be filed today and he has requested two weeks time to file it. He further submitted that he has just received the copy of Review Applications filed by Adv. Vishwanath Talkute and he has requested two weeks time to file the reply.
14. Shri. Sanjay Doiphode with assisting Counsel for Respondent No. 4 in his submission justified the delay caused for filing the Review Application. He stated that delay of 259 days in filing the Review Application is mainly because of severe drought condition in April - May 2019, followed by severe floods in June - September 2019, General & Assembly Election and approval to the draft from the respective authorities of all the Government Respondents. However, the request to review the Order was already made in the Compliance Affidavit dated November 04, 2019.
15. Having heard the parties, the delay condonation applications are allowed by the Authority.
16. Adv. B. T. Gaikwad for Respondent No. 4 has pointed out the inconsistency in two paragraphs of this Authority's Order dated April 09, 2019. The Para 30 (A) (iv) of this Authority's Order, restrict the Government Lift Irrigation Scheme (GLIS) and the individual lift owners to lift water from the Dhom Left Bank Canal (DLBC) after 28th February. However, as per Para 17 of this Authority's Order mentions perennial rights of the Dhom Canals & 3 GLIS viz. Kawathe-Kenjal, Wasna, Wangna have the perennial water utilisation. The GLIS on DLBC have Hot Weather irrigation provisions too. He therefore requested to modify this Authority's Order to that extent.

17. Adv. B. T. Gaikwad further submitted that individual lift owners should also be allowed to lift water after 28th February. On inquiry of the Authority, Shri. Sanjay Doiphode has submitted that the condition specified in the Irrigation Department's GR dated November 21, 2002 are not fully complied by the all individual lift owners.



18. Shri. Sanjay Doiphode - Respondent No. 4 has submitted that year 2019 was a surplus year and both dams were 100% filled on 15 October. There was no demand for Kharif rotation due to heavy rains. Thus, it is requested to allow Hot Weather rotation. Adv. B. T. Gaikwad also submitted that Dhom-Balkawadi Project has planned water utilisation of 1.42 TMC in Kharip & 1.28 TMC in Rabi season. He further submitted that Rabbi Rotation program if not concluded by 28th February due to some reason. Therefore, it is requested to extend this time limit for couple of more days. He stated that due to ongoing works of Dhom-Balkawadi project, rotation is likely to be extended.
19. Shri. Sanjay Doiphode has further submitted that during the Year 2019 flood period, water from Dhom-Balkawadi canal was released to fill the small tanks to reduce the flood effect in Krishna River. On these grounds, he requested to exclude the water transferred during flood from legitimate quota of Dhom-Balkawadi canal.
20. Shri. N. D. Mane - Appellant submitted that the surplus water need to be shared equitably in proportion to total use of 18.24 TMC. The field officer has now revised our quota of water. The GLIS and the individual lift owners should not be allowed to lift the water beyond 28th February. The Authority stated that these contentions of the Appellants are already heard during the proceedings of the original matter and has been addressed in the Authority's Order dated April 09, 2019. If the Appellants are not satisfied with the allotted quota of water, they can file a fresh application as the issue cannot be addressed in this Review Proceedings.

FRAMING OF ISSUES

21. Having considered the order in review, grounds of the review, the submissions of the parties, following issues arise for consideration of the Authority:

- (i) Whether the compliance of earlier directions of this Authority is done satisfactorily ?
- (ii) Whether the delay in filing the Review Application is condonable?



- (iii) Whether it is necessary to review Para 30 (A) (iv) of the Authority's Order dated April 09, 2019? If yes, which amendments are necessary ?
- (iv) Whether it is necessary to review Para 30 (A) (vii) of the Authority's Order dated April 09, 2019? If yes, which amendments are required to be done ?
- (v) Whether any other clarification is required to be given in respect of issues raised in the Review Application ?

FINDINGS OF THE AUTHORITY

22. Findings of this Authority on the above issues are as under:

- (i) Whether the compliance of earlier directions of this Authority is done satisfactorily ?

The authority has observed that;

- a) The agreements with the WUAs are still awaited.
- b) The individual lift owners are lifting the water without the compliance of stipulated conditions.
- c) The repairs of the canal are still not complete. The design discharge capacity of the Dhom Canal is not yet restored.
- d) The information of individual lift owners is not self explanatory. Proper units should be given. Also, village-wise, canal-wise abstracts need to be posted.

Thus, the issue under consideration is answered in negative.

Viewed above, the necessary directions for compliance of the order are being issued as recorded in the operative part of this order.

- (ii) Whether the delay in filing the Review Application is to be condoned ?

Superintending Engineer, Satara Irrigation Circle, Satara Applicant No. 3 and on behalf of Applicant 1, 2 & 4 of the Review Application (Respondent No. 1, 2, 4, & 5 in Case No. 6 of 2018) has filed Review Application on December 24, 2019 for review of this Authority's Order dated April 09, 2019 in Case No. 6 of 2018 along with the delay condonation application. There is



a delay of 259 days for filing the Review Application. The reasons for the delay, brought to the notice of this Authority are;

- a) This year in the month of April and May there was severe drought in Satara District, more specifically in the Phaltan, Khandala and Koregaon Talukas which comes under command of Dhom and Dhom-Balkawadi Projects. The staff was extensively involved in mitigation of drought situation by supplying drinking water by means of canal and GLIS.
- b) Thereafter, from month of June 2019 to date of filing Review Application, there was heavy rainfall in the catchment of Dhom and Dhom-Balkawadi Projects. The task of proper flood routing by operating the reservoirs gates and controlling flood situation was continued quite a long time, up to October 2019. Staff and machineries of applicant 3 and 4 were fully engaged in monitoring the flood situation.
- c) In month of August 2019, Vadanere Committee was formed by the State Government to assess the flood situation & to propose long term mitigation measures. Respondent No. 1 & sub-ordinate offices were involved in meetings and compiling the data requirements of the Committee.
- d) In the mean while, in the month of September, Parliamentary by-election for Satara Parliamentary Constituency & Assembly elections were declared. In the month of September and October almost all the staff, pertaining to Applicant No. 3 &4, was involved in election duty.
- e) Vacancies in the Office of Applicant No 3 & 4 are to the tune of 40%.
- f) The case pertains to Dhom Project, Dhom-Balkawadi Project as well as GLIS on DLBC. Jurisdictions of these projects belong to various Circles, Divisions & Sub-divisions. Hence, to collect relevant data from various offices, there was certain time lapse. Also, this case involves some policy level decisions. Hence, it was required to get necessary approval from higher offices, which took certain time.

Findings of the Authority : This Authority is of considered opinion that the reasons quoted by the Applicant are of factual in nature and were beyond the control of the Applicants. Hence, this Authority decided to consider the Review Application by condoning the delay.

Thus, the issue under consideration is answered in affirmative.



Viewed above, the delay is condoned and the Review Applications are being considered, heard and disposed off in terms of the orders as recorded in the operative part along with the findings in subsequent Paras.

(iii) Whether it is necessary to review Para 30 (A) (iv) of the Authority's Order dated April 09, 2019? If yes, which amendments are necessary ?

Applicant No. 3 on behalf of Applicant No. 1, 2 & 4 of the Review Application has pointed out some apparent errors in the Orders issued by this Authority, in Case No. 6 of 2018, dated April 09, 2019. The Applicant have pointed out that the GLIS on DLBC have three seasonal cropping pattern. However, this Authority has banned the supply of water to these GLIS on DLBC in Hot Weather season i.e. after 28th February.

Findings of the Authority : The Authority has confirmed that in the Para 17 of the Original Order dated April 09, 2019, this Authority has recognised the three seasonal water planning of GLIS on DLBC viz. Kawathe-Kenjal, Wasna & Wangna. Further, individual lift permissions granted on Dhom canals does not have any specific provision in the project planning. However, they are given vide provision in Irrigation Department's GR dated November 21, 2002 by reducing the quota of canal flow. As Dhom canals have three seasonal quota as mentioned in the Para 17 of the Original Order dated April 09, 2019, these individual lifts are entitled to draw water in Hot Weather, provided the Hot Weather quota is allocated to them in their individual permissions granted and the individual lift owners have observed all the conditions mentioned in the individual lift permissions and also in the GR dated November 21, 2002 by the lift owners. The Authority, after perusal of the individual lift permission data, published by the Applicants on its website, in compliance of the earlier directions of this Authority, in its Order dated April 09, 2019, observed that Hot Weather quota is already sanctioned to some individual lift owners. Hence, the Order needs to be corrected/rectified.

Thus, the answer to the first part of the issue is answered in affirmative.

Considering three seasonal cropping pattern of the GLIS and the Dhom canals, Para 30 (A) (iv) of the Original Order dated April 09, 2019 needs to be corrected /rectified.



- (iv) Whether it is necessary to review Para 30 (A) (vii) of the Authority's Order dated April 09, 2019? If yes, which amendments are required to be done?

Applicant No. 1, 2, 3 & 4 vide their Review Application dated December 24, 2019 have pointed out the practical scenario, in which due to some reasons, the Rabbi rotation of Dhom-Balkawadi canal could not be concluded till February 28th and requested to allow to extend the Rabbi Rotation beyond February 28th within the approved quota.

The Respondent No. 6 in the Original Case, through separate Review Application has also prayed for review of directions of this Authority in Para 30 (A) (vii) of the Authority's Order dated April 09, 2019 and permit to release of water in Dhom-Balkawadi canal after February 28th, to the extent of unexhausted sanctioned quota.

The issue was also deliberated during the proceedings before this Authority on January 29, 2020.

Findings of the Authority : This Authority is of considered opinion that no prejudice to other parties is likely if the release of water in Dhom-Balkawadi dam is allowed after February 28th by strictly adhering to their sanctioned quota, in case due to some reason its quota could not be delivered upto 28th February, provided proportional evaporation loss due to storing the water in extended period is duly accounted for while delivering the quota.

Thus, first part of the question is answered in affirmative.

Accordingly, this Authority is of the view that Para 30 (A) (vii) of the Authority Order dated April 09, 2019 needs to be corrected /rectified.

- (v) Whether any other clarification is required to be given in respect of issues raised in the Review Application?

The Applicants have asked clarification on following issues;

- Whether the individual lifts on DLBC are entitled to lift water beyond 28th February, in case Rabbi Rotation could not be completed by 28th February?
- Whether individual lift owners are entitled to lift water in Hot Weather season if surplus water is available in particular year?



The views of the Authority on the above queries are :

- a) As mentioned by this Authority in Para 27.15 of its Original Order dated April 09, 2019 the discharge carrying capacity of DLBC has been reduced due to inadequate maintenance. The Authority has convinced that with reduced discharge capacity, the canal rotation could not be completed in stipulated period. Hence, Rabbi Rotation period may extend beyond February 28th. Thus, if Rabbi quota of GLIS or legitimate individual lift operators, who have complied with all the stipulated conditions but could not be delivered their legitimate quota upto February 28th, need to be allowed to lift their legitimate quota of water beyond February 28th.
- b) If individual lift owners have no Hot Weather water rights, they are not entitled for water in Hot Weather even though there is surplus water. This Authority has already given specific directions in Para 30 (A) (viii) of Order dated April 09, 2019 for sharing of surplus water.

Thus, the issue under consideration is answered as above.

DIRECTIONS

23. Having entertained the Review Applications, heard the parties to the litigation and after giving due consideration to the documents as well as data on record & submissions made by the parties, this Authority, found it prudent to issue further directions as under:

- 1) Superintending Engineer, Satara Irrigation Circle, Satara - Respondent No. 4 shall comply the directions issued by this Authority earlier on April 09, 2019 in proper spirit and file the Compliance Affidavit taking into consideration the observations record by this Authority in Para 22 (i) above, in addition to the detailed submissions on the compliance of several other directions as given in the Order April 09, 2019.
- 2) Superintending Engineer, Satara Irrigation Circle, Satara - Respondent No. 4 shall submit the statement on Affidavit indicating reachwise design discharge capacity of Dhom canals and actual discharge carrying capacity within 30 days from the date of this Order.

The compliance Affidavits as per the above Point No.1 and 2 should be filed within 30 days. If the compliance is not satisfactory, the Authority may call for further details and hearing, if required.



- 3) Para 30 (A) (iv) of this Authority's Order dated April 09, 2019 shall stand amended and be replaced & read as;

"Para 30 (A) (iv) -

To ensure that individual lift owners on the Dhom reservoir and its canals have complied with all the conditions set in their respective permission letter and also in GR dated November 21, 2002 and lifting of water within their season-wise sanctioned quota which is operative only after the compliance of the specified conditions and further ensure that total water use of Dhom canal and individual lifts considered together shall not exceed the quota specified in Para 17 of the Order of this Authority dated April 09, 2019."

- 4) Para 30 (A) (vii) of this Authority's Order dated April 09, 2019 shall stand amended and be replaced & read as;

"Para 30 (A) (vii) -

To ensure that in normal years, the diversion of water in the Dhom-Balkawadi canal is restricted to 2.70 TMC with season-wise restriction of 1.42 TMC in Kharif season and 1.28 TMC in Rabi season. Further, Dhom-Balkawadi project being eight monthly, the release of water in Dhom-Balkawadi canal for irrigation purpose be normally stopped after 28th February.

Provided further that if due to some practical difficulties the Kharif or Rabbi quota of the canal could not be delivered upto 28th February, the Rabbi Rotation can be extended beyond 28th February. However in such circumstances, proportionate additional evaporation losses if any, due to storing water in the reservoir for longer period than considered in the project planning, is duly accounted for while releasing undelivered quota."

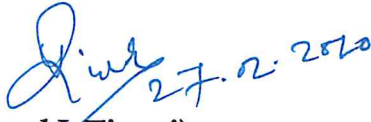
- 5) Those individual lift irrigation owners who have complied with all the conditions stipulated in their respective sanction order and Irrigation Department's GR dated November 21, 2002 and having Hot Weather sanctioned quota or those whose Rabbi quota has remained undelivered, shall only be permitted to lift water after 28th February and lifting shall be within their sanctioned quota only.

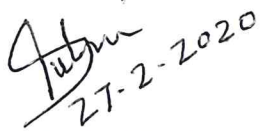
- 6) Superintending Engineer, Satara Irrigation Circle, Satara - Respondent No. 4 shall issue Office Order every year regarding sharing of deficit or surplus water, as per the directions given in Para 30 (A) (viii) of this Authority's Order dated April 09, 2019.




- 7) All the Review Applications shall stand disposed off as the issues raised therein are addressed in above Paragraphs of this Order.
- 8) The Parties are at liberty to approach Primary Dispute Resolution Officer under Section 22 of the MWRRRA Act, 2005 by separate Petition if they are aggrieved by the Order of the Respondent No. 4 regarding sharing of deficit as well as surplus water.
- 9) No costs.

Delivered on February 27, 2020


(Vinod J. Tiwari)
Member (Law)


(V. M. Kulkarni)
Member (WRE)


(K. P. Bakshi)
Chairman

