



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)

File No. MWRRA/2018/Legal/ Case No. 2(2018)/419

Date : 28/05/2019

Case No. 2 of 2018

In The Matter of

Petition filed by Shri. Shankar A. Nagre & Shri. S. U. Naik through Adv. Yashodeep Deshmukh in the matter of procedure of calculating district wise backlog in Irrigation Sector arising out of the directives of the Hon'ble Governor

Please find herewith a copy of MWRRA Order No. 05/2019 dated 27/05/2019 in the above matter.

Encl : As above


(Nasima Shaikh)
Registrar

Copy for information & necessary action to :-

1. Mr. Shankar Anand Nagre & Mr. Shamsundar Uttamrao Naik, both Members of Marathawada Janta Vikas Parishad, Nageshwarwadi, Aurangabad through Adv. Yashodeep Deshmukh, 2nd floor, Natwar Chambers, Nagindas Master Road, Fort, Mumbai - 400 001. (Petitioner)
2. Principal Secretary, Water Resources Department, Mantralaya, Madam Kama Road, Mumbai - 400 032.(Respondent No. 1)
3. Executive Director, Godavari Marathwada Irrigation Development Corporation, 1st floor, Sinchan Bhavan, Jalna Road, Aurangabad - 431 005. (Respondent No. 2)
4. Additional Chief Secretary, Planning Department, Mantralaya, Madam Kama Road, Mumbai - 400 032. (Respondent No. 3)
5. Executive Director, Vidarbha Irrigation Development Corporation, Sinchan Seva Bhavan, Civil Lines, Nagpur - 440 001. (Respondent No. 4)



सत्यमेव जयते

महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

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

Maharashtra Water Resources Regulatory Authority

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ORDER NO. 05/2019

In the Matter of

Petition filed by Shri. Shankar A. Nagre & Shri. S. U. Naik through Adv. Yashodeep Deshmukh in the matter of procedure of calculating district wise backlog in Irrigation Sector arising out of the Directives of the Hon'ble Governor - Case No. 2 of 2018

1. Shri. Shankar Anand Nagre,
Plot No. 1/G/N-4, Datta Niwas,
CIDCO, Aurangabad.
2. Shri. Shamsundar Uttamrao Naik,
R/o Vivekanand Nagar, N-4,
CIDCO, Aurangabad.

..... Petitioners

----Vs-----

1. Principal Secretary (WRP &D),
Water Resources Department,
Mantralaya, Madam Kama Road, Mumbai - 400 032.
2. Executive Director,
Godavari Marathwada Irrigation Development Corporation,
1st floor, Sinchan Bhavan, Jalna Road, Aurangabad-431 005.
3. Addi. Chief Secretary,
Planning Department,
Mantralaya, Madam Kama Road, Mumbai - 400 032.
4. Executive Director,
Vidarbha Irrigation Development Corporation,
Sinchan Seva Bhavan, Civil Lines, Nagpur 440 001

.....Respondents



Coram: Shri. V. M. Kulkarni, Presiding Member (WRE)
Shri. Vinod J. Tiwari, Member (Law)
Dr. S. T. Sangle, Member (Economics)

Date : May 27, 2019

BACKGROUND

1. Shri. Shankar Anand Nagre & Shri. Shamsundar Uttamrao Naik through Adv. Yashodeep Deshmukh has filed this Petition on March 8, 2018, in the matter of procedure of calculating district wise backlog in Irrigation Sector. The Petitioners are authorized representatives of Marathwada Janta Vikas Parishad, Aurangabad. The Petition is related to methodology, prevailing in the State, regarding calculation of the irrigation backlog and allocation outlay of Water Resources Department among various Development Boards viz. Vidarbha, Marathwada and the Rest of Maharashtra.
2. The State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and Rest of Maharashtra) Order, 1994 made by the Hon'ble President of India under Article 371(2) of the Constitution of India has assigned to the Hon'ble Governor of Maharashtra, special responsibility for matters specified in sub clauses (b) and (c) of Clause (2) of Article 371 of the Constitution in respect of the areas of Development Boards for Vidarbha, Marathwada and the Rest of Maharashtra. On 5th September 2011, the Governor had issued the "Development Boards for Vidarbha, Marathwada and the Rest of Maharashtra Order, 2011" constituting separate Development Boards for the said three regions. According to Rule 7 of this Order, the Governor of Maharashtra has the special responsibility of ensuring equitable allocation of funds for developmental expenditure over the areas of Development Boards, subject to the requirements of the State as a whole.
3. The region-wise backlog in the Irrigation sector (as on 01.04.1994) was assessed by the Indicators and Backlog Committee ("the Committee" for short). The Directives issued by the Governor since 2001 have

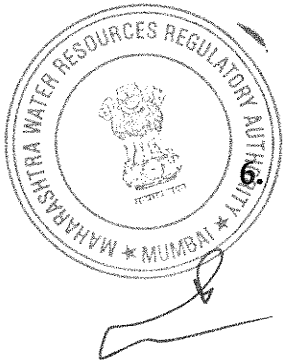


focused on liquidation of this backlog. The backlog in physical terms, as assessed by the Committee, now exists in four districts of the State- Amravati, Akola, Washim and Buldhana. In addition to these four districts in Amravati Division, Hon'ble Governor has also directed to take up the program of removal of physical backlog in Hingoli District of Marathwada Region which was created in 1999.

4. The Petitioners have raised some issues regarding prevailing procedure for calculating backlog and outlay distribution and have also given some suggestions for consideration.

GIST OF THE PRAYERS

5. The Petitioners, through their written submissions before this Authority has prayed for following reliefs:
 - (i) The backlog may be calculated region-wise only as the outlay / budget is given by the Hon'ble Governor to three Regions (Development Board area-wise).
 - (ii) Instead of waiting for removal of complete physical backlog of Amravati Regions, it is necessary to allot the backlog funds for Marathwada region also.
 - (iii) Due consideration may be given in new procedure for calculating region-wise backlog and budget.
 - (iv) Any other relief / directions as may be found suitable in the facts of the case may kindly be issued in the interest of justice & oblige.



THE PROCEEDINGS BEFORE THE AUTHORITY

This Authority has conducted two hearings in this matter i.e. on May 8, 2018 and September 25, 2018.

BRIEF OF FIRST HEARING ON MAY 8, 2018

7. This hearing was attended by the Petitioners, Advocate for Petitioners and representative of Respondent No. 1.



8. The Petitioners pointed out that as per the Hon'ble Governor's Directives, physical backlog was computed by considering Irrigation potential created by both State as well as Local sector; however, the allocation for backlog removal is being done for State sector projects only. The Petitioners also stated that the discrepancy in figures of backlog as stated in Governor's Directives and that in the Annual Report 2014-15 of MWRRA is undesirable.
9. The Respondent No.1, through its representative, submitted that they need some time for the submission of reply to the points, raised in the Petition, including the submissions, on the disparity in the backlog removal figures, as pointed out in the Petition.
10. Upon specific query by this Authority, as to the *Locus Standi* of Petitioners, to prefer the instant Petition, the Petitioners submitted that he is the Expert Member, on the Marathwada Division Statutory Board, appointed by the Hon'ble Governor and very much concerned with the directives given by Hon'ble Governor and accordingly he has filed this Petition, for and on behalf, of the organisation / association named - Marathwada Janta Vikas Parishad. A letter to this effect issued by Marathwada Janta Vikas Parishad at Aurangabad, perusing social issues in the interest of public at large is already submitted by the Petitioners. The Authority further pointed out that there is no averment in the Petition to this effect so as to establish that the Petition has been filed for and on behalf of the said organisation. The Counsel for the Petitioners accepted and submitted that necessary amendment in the Petition will be carried out and sought the liberty for the same.
11. The Authority having considered the submissions made by the Counsel for the Petitioners and having seen the letter issued by the said organization, accepted the prayer made by the Counsel for the Petitioners and granted liberty to carry out necessary amendments in the Petition.
12. While presenting his arguments in support of the Petition, the Petitioners handed over a compilation of the information in the form of one Booklet in support of the contentions made in the Petition. He also



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argued on various figures / charts given in the said Booklet. The said document has been taken on record and a copy of said Booklet is given to the Representative of the Respondent No.1 to consider the same while submitting the reply on Affidavit in the matter of the present Petition.

13. The Authority, having considered the need as regards to the gravity of the issue, directed the Petitioners to add following necessary parties as respondents ;

- 1) Water Conservation Department through its Secretary
- 2) Vidarbha Irrigation Development Corporation (VIDC), Nagpur through its Executive Director.

14. The Authority upon hearing, passed the following interim directions :

- A) The Petitioners are directed to carry out aforesaid amendments by May 15, 2018 and the copies of the amended Petition be supplied to this Authority and the Respondents including the newly added parties immediately by e-mail followed by the service of copies by Speed Post.
- B) The Respondent No.1 and all other parties to be added as Respondents, to file their say on Affidavit, on or before May 31, 2018, an advance copy be supplied to the all concerned including the Petitioners, who if required, can file its Rejoinder, within a period of one week and latest by June 7, 2018.
- C) The Authority observed that nobody was present on behalf of Respondent No.2 - Godavari Marathwada Irrigation Development Corporation (GMIDC), Aurangabad, though the copy of the notice of hearing was served upon them.



BRIEF OF SECOND & FINAL HEARING ON SEPTEMBER 25, 2018

15. The hearing was attended by the Petitioners, Advocate for Petitioners and representative of Respondent No. 1 & 4. As per the directions given during the first hearing, Petitioners amended the Petition and the copy of the same was served to all Respondents and informed the



Authority regarding compliance, on June 5, 2018. The Respondent No. 1 also filed their say vide affidavit dated May 24, 2018. The Petitioners filed Rejoinder on June 4, 2018 & the Respondent No. 1 has filed their reply on September 25, 2018.

16. The Petitioners informed that they have not received Respondent No. 1's reply dated September 24, 2018 on his Rejoinder. He further argued that the irrigation potential of the State Sector schemes of Water Resources Department ("WRD" for short) should only be considered & irrigation potential of Local Sector schemes of Water Conservation Department should not be taken into account for calculating the backlog as the outlay is shown for only WRD works in Hon'ble Governor's directives. The Petitioners also pointed out that the figures of the remaining backlog mentioned in this Authority's Annual Report differ from those given in the Hon. Governor's Directives.
17. The Petitioners further argued that the backlog removed in Amravati region is not in commensurate with the expenditure incurred hence it appears that the funds given for backlog removal are spent elsewhere. The Petitioners also pointed out that WRD has planned to remove the physical backlog by 2018-19 but with the current pace, it will require another 20 more years to remove the same. He further argued that there should be time bound program for backlog removal and it should be strictly adhered to; otherwise for years together, other regions will continue to get lesser funds. The Petitioners pointed out the anomaly in irrigation backlog data published in Hon. Governor's directives and Annual Report of this Authority.
18. The Respondent No. 1 handed over the copy of his reply dated September 24, 2018 as required by the Petitioners and explained the reason for the anomaly in the data and assured that henceforth due care shall be taken to avoid discrepancies in data. According to him, the figures appearing in the Hon. Governor's directives are based on the Quarterly Progress Report submitted by this Authority which were prepared on the basis of Quarterly Progress Report submitted by the Chief Engineer, Amravati directly to this Authority which do not includes progress of local sector. Also the Chief Engineer, Amravati



works out the potential created in SRE, on the basis of pro-rata conversion factor of 1.81; whereas, the State Government after validating the data submitted by the Chief Engineer and applying season-wise SRE factors, gives the data to the Authority for the purpose of Annual Report. This data also includes the achievements of the local sector schemes.

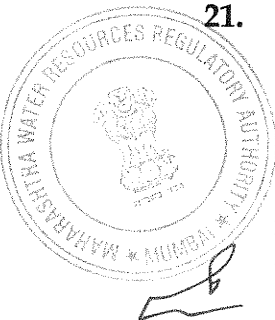
19. The Representative of Respondent No. 1, further submitted that the Indicator & Backlog Committee has fixed the district-wise physical and financial backlog. Section 20(1)(b) of the MWRRA Act, 2005 also directs to include district-wise backlog in its Annual Report. Hon. Governor gives directives for special outlay for backlog removal and the region-wise distribution of divisible outlay. Thus, the Petitioners' demand to provide backlog figures region-wise cannot be entertained. Moreover, it was further pointed out by the Respondent No. 1 that the Petition is not maintainable.

20. Interim Directions of the Authority;

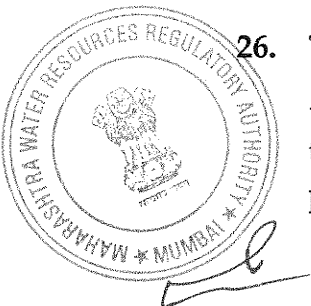
- i) The Respondent No. 1 shall take care to ensure the consistency and accuracy of data pertaining to backlog removal.
- ii) The Respondent No. 4 is directed to file an Affidavit confirming that the money given for backlog removal purpose in last 10 years are spent on backlog removal purpose only and on projects identified for backlog removal. The affidavit to be filed within two weeks.
- iii) The matter is closed for the Orders

SHOW CAUSE NOTICE DATED DECEMBER 07, 2018

21. The record of proceedings of Second & Final Hearing dated September 25, 2018 was issued by this Authority on October 05, 2018. In compliance to first direction given in said proceedings, the Respondent No. 1 vide letter dated October 10, 2018 informed that they have issued necessary direction to Chief Engineer (SP), Water Resources Department, Amravati vide their letter dated October 8, 2018.



22. However, this Authority was not in receipt of any Affidavit or communication from the Respondent No. 4. Hence, this Authority issued a Show Cause Notice to Executive Director, Vidarbha Irrigation Development Corporation, Nagpur - Respondent No. 4 on December 07, 2018 and directed to appear in person before this Authority on December 20, 2018 at 3:00 PM.
23. Accordingly, Chief Engineer (SP), Water Resources Department, Amravati authorised representative of Executive Director, Vidarbha Irrigation Development Corporation, Nagpur - Respondent No. 4 appeared in person and submitted the Affidavit. He has confirmed in the Affidavit that the funds made available for the projects in backlog area have been used for that purpose alone and not for any other purpose.
24. He further justified the delay for compliance of the Orders of this Authority. He stated that the record of proceedings of Second & Final Hearing were issued by this Authority on October 05, 2018. However, his office received the necessary direction from Respondent No. 4 on October 09, 2018. Based on the details of funds & expenditure received from CAFO on November 2, 2018, draft affidavit was prepared and submitted to Respondent No. 4 for its approval on November 5, 2018 which was approved on November 19, 2018. Thereafter, due to non availability and transfer on promotion of then CE (SP) Amravati, the affidavit could not be filed. The present CE (SP) Amravati has joined the office on December 05, 2018 and submitted the said affidavit to this Authority by letter dated December 05, 2018.
25. He further submitted that the delay in filing the Affidavit is not intentional and requested to condone the delay and withdraw the Show Cause Notice issued on October 05, 2018.
26. The Authority has directed to CE (SP) Amravati that the copies of his Affidavit be given to Petitioners & Respondents and to be uploaded on the website. The CE (SP) Amravati vide letter dated December 29, 2018 has informed that the copies of his Affidavit was sent by registered



post to all concerned and the same was uploaded on the WRD's website.

FACTUAL MATRIX

27. The Hon'ble Governor had appointed the Joint Committee of three Development Boards called the Committee in the year 1995. The Committee was given TOR to decide appropriate indicators for assessing relative levels of developments, backlog removal & regional imbalances. The Committee has submitted its report to Hon'ble Governor of Maharashtra in July 1997. However, certain departments including irrigation had submitted their comments on the report. Thereafter, Hon'ble Governor has reconstituted the committee in view of these comments and asked to submit its report. Accordingly, the report was submitted to Hon'ble Governor and the same was accepted by the Hon'ble Governor and Government of Maharashtra. The committee assessed 1994 level backlog in irrigation sector in prevailing 30 districts of the state.
28. The State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and Rest of Maharashtra) Order, 1994 made by the President of India under Article 371(2) of the Constitution of India has assigned to the Governor of Maharashtra, special responsibility for matters specified in sub clauses (b) and (c) of Clause (2) of Article 371 of the Constitution in respect of the areas of Development Boards for Vidarbha, Marathwada and the Rest of Maharashtra. On 5th September 2011, the Governor had issued the "Development Boards for Vidarbha, Marathwada and the Rest of Maharashtra Order, 2011" constituting separate Development Boards for the said three regions.
29. According to Clause 7 of this Order, the Hon'ble Governor of Maharashtra has the special responsibility of ensuring equitable allocation of funds for developmental expenditure over the areas of Development Boards, subject to the requirements of the State as a whole. Hon'ble Governor distributes the divisible outlay Development Board wise on the basis of their Population and Net Sown Area and not



district-wise. The special additional provisions are provided for backlog districts only. This Authority does not decide the divisible outlay.

30. The Directives issued by the Hon'ble Governor since 2001 have focused on liquidation of irrigation backlog identified by the Committee. The financial backlog has been liquidated in all the districts by March 2011. The State average of irrigation potential created in SRE as percentage of net sown area as on 1 April 1994 was 35.11%. It was expected that the backlog in physical terms would also be liquidated as a result of enhanced allocation for the backlog districts. However, due to time and cost over-runs, the physical achievement has not been commensurate.
31. The backlog in physical terms, as assessed by the Committee at 1994 level, now exists in Amravati, Akola-Washim and Buldhana districts of Amravati Region and is being removed by the State Government.
32. Despite preparing a Five Year Action Plan to remove irrigation backlog from 2010-11 to 2014-15, and despite periodically revising the said action plan, WRD has not been able to liquidate the physical backlog in irrigation in these districts. In fact the achievements fell significantly short of the targets laid down. The remaining physical backlog at the end of June, 2017 is 1,87,733 ha in SRE
33. As per the Section 21 (1) of the MWRRA Act, 2005, this Authority has the special responsibility in regard to the Districts & Regions affected by backlog in irrigation sector. Accordingly, this Authority is taking periodic review of the implementation of the Hon'ble Governor's Directives relating to the irrigation sector in the backlog districts.
34. Also, as per the provisions in Section 20 (1) (b) of the MWRRA Act, 2005, this Authority is expected to include an Annexure about the district-wise backlog in irrigation sector in its Annual Report. This Authority is directing the Water Resources Department to furnish the backlog data based on district-wise irrigation potential created. On receipt of it, this Authority includes same without any changes. Thus, this Authority does not calculate the backlog but monitor the program



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prepared by the State Government to liquidate the physical backlog and submit the Annual Report to the State Legislature.

FRAMING OF ISSUES

35. From the pleadings and the arguments advanced and the replies of the Petitioners & Respondents, following issues have arisen for consideration:
- (i) Whether the Petitioners has a locus to file this Petition?
 - (ii) Is it necessary to calculate the region-wise irrigation backlog?
 - (iii) Is it necessary to give backlog funds for Marathwada region also, without waiting for complete removal of physical irrigation backlog in Amravati Region?
 - (iv) Whether it is necessary to initiate action against the Respondent No. 4 under Section 26 of the Act for non-compliance of the Orders of the Authority

FINDINGS OF THE AUTHORITY

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

- (i) Whether the Petitioners has a locus to file this Petition?
 - a) The Petitioners are expert member on the Marathwada Development Board. They have filed the present Petition on behalf of the organization viz. Marathwada Janta Vikas Parishad, who has authorized the Petitioners for the present matter.
 - b) Clause 11(2) of the MWRRA (Conduct of Business) Regulations, 2013 ("Regulation" for short) reads as:
 - (2) *The following categories of Bulk Water Users only are eligible to petition the Authority: –*
 - (a) *Water User Associations at minor level, distributary level, canal level, project level, natural flow system;*

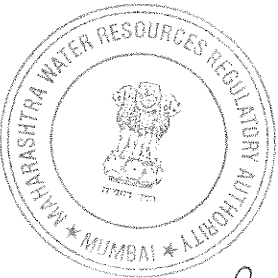


- (b) Domestic Water User Utilities such as the Maharashtra Jivan Pradhikaran, Maharashtra Industrial Development Corporation, Municipal Corporations, Urban Local Bodies, Gram Panchayats ;
 - (c) Industrial Users such as Maharashtra Industrial Development Corporation privately owned industrial estates;
 - (d) Other individual Bulk Water users having an agreement with the Water Resource Department;
 - (e) Any registered organisation representing officially the interests of any of the above.
- c) In view of the provision in Clause 11(2) (e) of the Regulation, this Authority is of the opinion that the Petitioners have a locus to file this Petition.

The issue is therefore, answered in affirmative.

(ii) Is it necessary to calculate the region-wise irrigation backlog?

- a) The Petitioners has prayed for region-wise calculation of the irrigation backlog.
- b) Respondent No. 1 has submitted that the Indicator & Backlog Committee has fixed the district-wise physical & financial backlog. He has also pointed out that the provisions in Section 20(1) (b) of the Act, which directs the Authority to include district-wise backlog in the Annual Report.
- c) This Authority from the Affidavit filed by the Respondent No. 1 dated May 24, 2018 and directives dated March 1, 2018 of the Hon'ble Governor of the Maharashtra has observed that:
 - c1) The Hon'ble Governor has appointed the Joint Committee of three Development Boards called the Indicator & Backlog Committee in the year 1995. The Committee was given TOR (a) to decide appropriate indicators for assessing relative levels of developments, backlog removal & regional imbalances. The committee has submitted its report to Hon'ble Governor of Maharashtra in July 1997. However, certain departments including irrigation had submitted their comments on the report. Thereafter,



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Hon'ble Governor has reconstituted the committee in view of these comments and asked to submit its report. Accordingly, the report was submitted to Hon'ble Governor and the same was accepted by the Hon'ble Governor and Government of Maharashtra. The committee assessed 1994 level backlog in irrigation sector in prevailing 30 districts of the state. Presently, out of these 30 districts, there is balance physical backlog in 4 District of Amravati Division viz. Amravati, Akola-Washim and Buldhana.

c2) The Directives issued by the Hon'ble Governor since 2001 have focused on liquidation of the backlog. The financial backlog has already been liquidated in all the Districts by March 2011. The backlog in physical terms, as assessed by the Indicator & Backlog Committee, now exists only in four districts of the State viz. Amravati, Akola-Washim & Buldhana, in which created irrigation potential is less than the average of the State as on June 1994 (i.e. 35.11%) in terms of the percentage of Net Sown Area to Created Irrigation Potential.

c3) It is also observed that, in Hingoli District which was formed subsequently, carved out from Parbhani District, which did not have backlog, has a backlog when considered separately. Hence, Hon'ble Governor has directed to undertake the program of removal of physical backlog in Hingoli District.

c4) Hon'ble President of India under Article 371 (2) of the Constitution of India has assigned the Hon'ble Governor of Maharashtra, a special responsibility for matters specified in sub-clause (b) & (c) of the Clause 2 of the Article 371 (1) of the Constitution, in respect of Development Boards for Vidarbha, Marathwada & Rest of Maharashtra, subject to requirements of the State as a whole. Accordingly, Hon'ble Governor distributes the divisible outlay Development Board wise on the basis of their Population and Net Sown Area and not district-wise. The special additional provisions are provided for backlog districts only.

d) In view of the above facts, this Authority is of the view that at this stage calculation of region-wise irrigation backlog is not required. Much less, it do not fall in the domain of the Authority.



The issue is therefore, answered in negative.

- (iii) Is it necessary to give backlog funds for Marathwada region also, without waiting for complete removal of physical irrigation backlog in Amravati Region?

Presently, efforts are being made to remove; irrigation backlog calculated by the Indicator & Backlog Committee existed as on 1994. The Authority has observed that there exist physical backlog in Amravati, Akola-Washim and Buldhana Districts of the Amravati Region and there exist no irrigation backlog in Marathwada Region.

However, considering the susceptibility to drought and severe water scarcity in Osmanabad and Beed Districts of Marathwada region, Hon'ble Governor has accepted the request of the State Government to keep some outlay (Rs. 300 crore in the financial year 2018-19) out of the purview of the Directives for the Krishna-Marathwada Irrigation Project.

Hence, this Authority is of the view that the Marathwada region is not entitled for any special funds for removal of irrigation backlog. Much less, this Authority do not have the power to grant such prayer.

Thus, the issue is answered in negative.

- (iv) Whether it is necessary to initiate action against the Respondent No. 4 under Section 26 of the Act for non-compliance of the Orders of the Authority?

- a) During the hearing on September 25, 2018, this Authority has issued directions to the Respondent No. 4, which reads as:

"The Respondent No. 4 is directed to file an Affidavit confirming that the money given for backlog removal purpose in last 10 years are spent on backlog removal purpose only and on projects identified for backlog removal. The affidavit to be filed within two weeks."

The record of daily proceedings of the hearing were issued vide letter dated October 5, 2018. However, till December 7, 2018, the Respondent No. 4 failed to comply these directions. Hence, this



Authority has issued Show Cause Notice to Respondent No. 4 under the provisions of Section 26, of MWRRA Act.

- b) Subsequently, the Respondent No. 4 vide affidavit dated December 5, 2018 complied the directions given by this Authority. The Respondent No. 4 also submitted the reasons for delay caused in compliance of the Orders with delay condonation request.
- c) The Applicant did not press for the action on the Respondent No. 4 for the delay in execution of the Orders of the Authority.
- d) On scrutiny of the compliance submitted, this Authority is of the opinion that as the Respondent No. 4 has complied the orders of the Authority, it is now not necessary to initiate any action under Section 26 of the Act against the Respondent No. 4 and the Show Cause Notice need to be dropped.

Thus, the answer to the above issue is in negative.

37. FINAL ORDER / DIRECTIONS :

Having heard the parties to the litigation, perusing documents as well as data on record, submissions made by the parties and after the due appreciation of the issues stated herein above, this Authority is of the opinion that the Petition is liable to be disposed off with following directions;

- (i) The Respondents make sure that the funds made available for backlog removal purpose shall be used for that purpose only and shall make available details of the yearly special funds received for the purpose of removal of backlog and its project-wise utilization along with physical achievements, for the public by displaying the same on its website.
- (ii) The Respondents shall ensure the consistency and accuracy of data pertaining to backlog removal & potential created.
- (iii) The Respondents shall strictly adhere to the time bound program, prepared for the removal of the irrigation backlog in Amravati Region.



(iv) The Show Cause Notice issued on October 05, 2018 is hereby withdrawn.

In the facts & circumstances, there shall not be any direction as to the costs.

Delivered on May 27, 2019.

S. T. Sangle
27/5/19

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

Vinod J. Tiwari
27/05/2019

(Vinod J. Tiwari)
Member (Law)

V.M. Kulkarni
27.05.19

(V.M. Kulkarni)
Presiding Member (W.R. E.)

