



# 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)



स्वातंत्र्याचा अमृत महोत्सव

ORDER NO. 01 / 2022

Case No. 21 of 2018 & Case No. 1 of 2019 &  
Case No. 2 of 2019 & Case No. 13 of 2019

In the matter arising out of WRD's Impugned Order dated 18/05/2018 as regards to the re-planning of water allocation of Upper Painganga Project and matter pertaining to prayers as regards to issuing of direction / orders not to take new project in Upper Painganga Project's Catchment.

Shri. Prakash M. Wasmate & Six Others  
through Adv. Vaidehi Deshmukh in Case No. 21/2018.

Shri. Madhav R. Kadam & Other  
through Adv. Vaidehi Deshmukh in Case No. 1/2019.

Shri. Bhagwan G. Tidke & Four Others  
through Adv. Shyam Kalyankar in Case No. 2/2019.

Ardhapur Municipal Council & Four Others  
through Adv. Shyam Kalyankar in Case No. 13/2019.

.....Petitioners

V/s.

1. Principal Secretary (WRP & D), Water Resources Department, Mantralaya, Madam Kama Road, Mumbai - 400 032
2. Executive Director, Godavari Marathwada Irrigation Development Corporation, 1<sup>st</sup> floor, Sinchan Bhavan, Jalna Road, Aurangabad-431 005.  
Chief Engineer, Water Resources Department, Sinchan Bhavan, Jalna Road, Aurangabad - 431 005.



9<sup>th</sup> Floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai-400005.

C:\Users\ROHAN\Documents\Petitions in MWRA\Case No. 21 of 2018, 1 and 2 of 2019\Order - Case No. 21 of 2018.doc

Tel.: +91-22-2215 2019, Email : mwrra@mwrra.in | Website : www.mwrra.org

4. Executive Director, Vidarbha Irrigation Development Corporation, Sinchan Seva Bhavan, Civil Lines, Nagpur 440 001.
5. Chief Engineer (WR), Water Resources Department, Sinchan Bhavan, Shivaji Nagar, Camp, Amravati - 444 603.
6. Chief Engineer, Hydrology Project, Jalvidnyan Bhavan, Dindori Road, Nasik - 422 004

.....Respondents

**Coram : Shri. Sanjay D. Kulkarni, Member (WR.Engg.)**  
**[Through VC]**  
**Smt. Shwetali A. Thakare, Member (Economics)**  
**Dr. Adv. Sadhana S. Mahashabde, Member (Law)**

**Date : February 10, 2022**

- 1.0 A petition filed by Shri. Prakash M. Wasmate & others through Adv. Vaidehi Deshmukh in the matter of WRD's letter dated May 18, 2018 regarding revision of water planning of Upper Penganga Project and not taking new project in Upper Painganga Project's Catchment. The matter is listed as Case No. 21 of 2018. The Authority had also received three other petitions in the same matter i.e. Shri. Madhav R. Kadam & Other through Adv. Vaidehi Deshmukh (Case No. 1 of 2019) and Shri. Bhagwan G. Tidke & Four Others through Adv. Shyam Kalyankar (Case No. 2 of 2019) and Petition filed Ardhapur Municipal Council & Four Others through Adv. Shyam Kalyankar (Case No. 13 of 2019). These three petitions are clubbed together with Case No. 21 of 2018 & the Authority had conducted two hearings in the matter i.e. on July 17, 2019 and August 20, 2019.
- 2.0 Now, Petitioners in Case No. 21 of 2018, 1 of 2019, 2 of 2019 and 13 of 2019 vide their applications dated January 20, 2022, have submitted that they want to withdraw their petitions with liberty to file fresh petition on new grounds with changed circumstances. The applications in Case No. 2 of 2018 and 13 of 2019 are signed by petitioners & submitted through



Advocate i.e. Adv. Shyam Kalyankar. However, the applications in Case No. 21 of 2018 and 1 of 2019 are signed by petitioners but not submitted through Advocate i.e. Adv. Vaidehi Deshmukh. Therefore, in order to decide the matter, the Authority had conducted a hearing on February 04, 2022 at 12:00 PM by Video Conferencing through Google Meet. Following persons were present for the Hearing;

- 1) Adv. Deepak Nargolkar .... Senior Advocate for Respondent No. 1
- 2) Adv. Yashodeep Deshmukh .... Advocate for Petitioners in Case No. 21 of 2018 & 1 of 2019
- 3) Adv. Shyam Kalyankar .... Advocate for Petitioners in Case No. 2 of 2019 & 13 of 2019
- 4) Smt. Jaya Potdar .... SE & DS (WR), WRD, Mumbai for Respondent No. 1
- 5) Shri. B. K. Shete .... SE, Nanded Irrigation Circle, Nanded for Respondent Nos. 2 & 3
- 6) Shri. M. S. Amale ....SE (DAC) Hydrology Project, Nashik for Respondent No. 6
- 7) Shri. Kishor N. Mast ....Intervener, Hingoli
- 8) Shri. Shivaji G. Mane ....Intervener, Hingoli

3.0 On inquiry of the Authority, Adv. Yashodeep Deshmukh submitted that Adv. Vaidehi Deshmukh had filed Vakalatnama in Case No. 21 of 2018 and 1 of 2019 and today he is appearing as a Council in the matter. He further submitted that the Petitioners in Case No. 21 of 2018 and 1 of 2019 have not approached to him before filing the withdrawal applications dated January 20, 2022 and even copies of the applications have not been served to him.

4.0 Adv. Shyam Kalyankar submitted that he is representing as Advocate for Petitioners in Case No. 2 of 2019 and 13 of 2019 and thus, his application dated January 20, 2022 regarding withdrawal of Petition under Case 2 of 2019 and 13 of 2019 may please be allowed with liberty to file a fresh Petition.



*[Handwritten signature]*

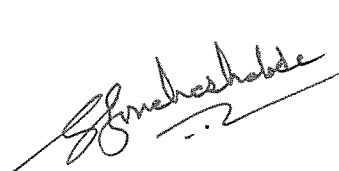
5.0 Adv. Deepak Nargolkar - Senior Advocate for Respondent No. 1 submitted that Hon'ble Supreme Court and High Court allow withdrawal of Petitions with liberty to file a fresh without going into the details of the grounds for withdrawal. Therefore, the Authority may allow the Petitioners to withdraw Petitions under Case No. 2 of 2019 and 13 of 2019.


### Order


6.0 Having heard the parties to the litigation, perusing documents as well as data on record, submissions made by the parties and relevant provisions under Regulation 29 of the Maharashtra Water Resources Regulatory Authority (Conduct of Business) Regulations 2013, this Authority orders as under;

- (a) Adv. Yashodeep Deshmukh is directed to take instructions from the Petitioners in Case No. 21 of 2018 and 1 of 2019 and inform the Authority within two weeks time.
- (b) The withdrawal applications of the Petitions under Case No. 2 of 2019 and 13 of 2019 are hereby allowed with liberty to file fresh petitions. Thus, Petitions under Case No. 2 of 2019 and 13 of 2019 are disposed off with no order as to the costs.

Delivered on February 10, 2022.

  
(Dr. Adv. Sadhana S.  
Mahashabde)  
Member (Law)

  
(Smt. Shwetali A.  
Thakare)  
Member (Economics)

  
(Shri. Sanjay D.  
Kulkarni)  
Member (W. R. Engg.)

