



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. 02 / 2022

Case No. 21 of 2018 & Case No. 1 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.

.....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, 1st floor, Sinchan Bhavan, Jalna Road, Aurangabad-431 005.
3. Chief Engineer, Water Resources Department, Sinchan Bhavan, Jalna Road, Aurangabad - 431 005.



[Handwritten Signature]

9th Floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai-400005.

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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]
C.A. Shwetali A. Thakare, Member (Economics)
Adv. Dr. Sadhana S. Mahashabde, Member (Law)

Date : April 20, 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 Painganga 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 and the Authority had conducted two hearings in the matter i.e. on July 17, 2019 and August 20, 2019.
- 2.0 Meanwhile, 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. Therefore, to



decide the matter, the Authority had conducted a hearing on February 04, 2022 at 12:00 PM by Video Conferencing through Google Meet. The Authority vide Order No. 01/2022 dated February 10, 2022 had allowed withdrawal applications and disposed off Petitions under Case No. 2 of 2019 and 13 of 2019.

3.0 The Authority had further directed Advocate for Petitioners in Case No. 21 of 2018 & 1 of 2019, to take instructions from the Petitioners and inform the Authority within two weeks' time. But, there was no compliance from Advocate of Petitioners in Case No. 21 of 2018 & 1 of 2019. Therefore, the Authority had scheduled a hearing on April 08, 2022 at 12:00 PM by Video Conferencing through Google Meet.

4.0 Following persons were present for the Hearing;

- 1) Adv. Deepak Nargolkar — Senior Advocate for Respondent No. 1
- 2) Adv. Vaidehi Deshmukh — Advocate for Petitioners in Case No. 21 of 2018 & 1 of 2019
- 3) Shri. B. K. Shete — Superintending Engineer, Nanded Irrigation Circle, Nanded for Respondent Nos. 2 & 3
- 4) Shri. S. H. Kachkalwar — Superintending Engineer, Upper Painganga Project Circle, Nanded for Respondent No. 6
- 5) Shri. Prakash M. Wasmate — Petitioner in Case No. 21 of 2018
- 6) Shri. Madhav R. Kadam — Petitioner in Case No. 01 of 2019

5.0 On inquiry of the Authority, Adv. Vaidehi Deshmukh submitted that she has given no objections to the Petitioners and the Authority may allow them to withdraw the said Petitions. Both, Shri. Prakash M. Wasmate & Shri. Madhav R. Kadam have submitted that their withdrawal application may be allowed with liberty to file fresh Petition. Adv. Deepak Nargolkar has submitted that as both the Petitioners have given their concurrences, the Authority may allow the Petitioners to withdraw Petitions in Case No. 21 of 2018 & 1 of 2019.

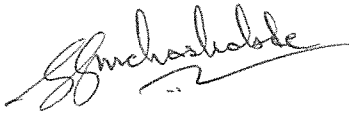


Order

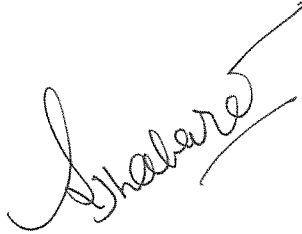
6.0 Having heard the parties to the litigation, perusing documents as well as data on record, submissions made by the parties and relevant provisions under Regulation 29 of the Maharashtra Water Resources Regulatory Authority (Conduct of Business) Regulations 2013, this Authority orders as under;

- (a) The withdrawal applications of the Petitions under Case No. 21 of 2018 and 01 of 2019 are hereby allowed with liberty to file fresh petitions. Thus, Petitions under Case No. 21 of 2018 and 01 of 2019 are disposed off with no order as to the costs.

Delivered on April 20, 2022.



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



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



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



(Dr. Ramnath Sonawane)
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