

# महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण अधिनियम, 2005 चे कलम 3 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/2019/Legal/Case No. 17 of 2019/441

Date : 27/06/2023


Case No. 17 of 2019

A Petition filed by Rajendra Ghumare & 2 others in the matter of  
Marathwada Water Grid sought to be established by State  
Government contrary to MWRRA Act.

Please find enclosed herewith a copy of MWRRA Order No. 03/2023 dated 27/06/2023 in the above matter.

Encl : As above



  
(Dr. Ramnath Sonawane)  
Secretary

**Copy for information & necessary action to :-**

1. Rajendra B. Ghumare, R/o Pathare, Taluka Sinnar, District Nashik & 2 others through Adv. R. L. Kute, F-3, Plot No. 73, Hari-Om Apartment, Mayurban Colony, Shahnoorwadi, Aurangabad - 431005 (Petitioner).
2. Principal Secretary (WRP & D), Water Resources Department, Mantralaya, Madam Kama Road, Mumbai - 400 032 (Respondent - 1).
3. Principal Secretary, Water Supply & Sanitation Department, Mantralaya, Mumbai - 400 032 (Respondent - 2).
4. Executive Director, Godavari Marathwada Irrigation Development Corporation, 1<sup>st</sup> floor, Sinchan Bhavan, Jalna Road, Aurangabad-431005 (Respondent - 3)

5. Chief Engineer, Maharashtra Jeevan Pradhikaran, ISP Road, Opposite Nasik Revenue Commissioner Office, Nasik Road, Nasik 422101  
**(Respondent - 4)**
  6. Superintending Engineer & Administrator, Command Area Development Authority, Sinchan Bhavan, Trimbak Road, Nashik - 422002 **(Respondent - 5)**
- 
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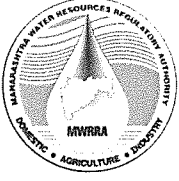
सत्यमेव जयते

# महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण अधिनियम, 2005 चे कलम 3 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. 03/2023

(Case No. 17 of 2019)

A Petition filed by Rajendra Ghumare & 2 others in the matter of  
Marathwada Water Grid sought to be established by State  
Government contrary to MWRRA Act.

1. Rajendra Bhagatrao Ghumare,  
R/o Pathare, Taluka Sinnar,  
District Nashik.
2. Sunil Karbhari Shinde,  
R/o Pohegaon, Taluka Kopergaon,  
District Ahmednagar.
3. Derde Korhale Gram Panchayat,  
Taluka Kopergaon, District Ahmednagar,  
Through its Member/Sarpanch,  
Yogiraj Bhausahab Deshmikh.

....Petitioners

---Vs---

1. Principal Secretary (WRP & D),  
Water Resources Department, Mantralaya,  
Madam Kama Road, Mumbai - 400 032.
2. Principal Secretary,  
Water Supply & Sanitation Department,  
Mantralaya, Mumbai - 400 032.



*(Signature)*

9<sup>th</sup> 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.maharashtra.gov.in

3. Executive Director,  
Godavari Marathwada Irrigation Development  
Corporation, Sinchan Bhavan,  
Jalna Road, Aurangabad-431005
4. Chief Engineer,  
Maharashtra Jeevan Pradhikaran,  
Nasik Road, Nasik 422101
5. Superintending Engineer & Administrator,  
Command Area Development Authority,  
Sinchan Bhavan, Nashik - 422002.

....Respondents

Adv. R. L. Kute for the Petitioner

Adv. Shakuntala Wadekar along with Adv. Bhavana Punalekar for the  
Respondent Nos. 1, 3 & 5

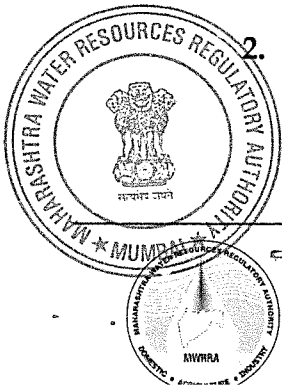
Adv. Amol G. Vasmatkar for the Respondent No. 4

Coram : Shri. Snajay D. Kulkarni, Member (WRE)  
CA. Shwetali A. Thakare, Member (Economics)  
Adv. Dr. Sadhana S. Mahashabde, Member (Law)

Date : June 27, 2023

1. Mr. Rajendra B. Ghumare, Mr. Sunil K. Shinde and Derde Korhale  
Gram Panchayat, Taluka Kopergaon, District Ahmednagar filed a  
Petition dated 03/07/2019 before this Authority in the matter of  
Marathwada Water Grid sought to be established by the State  
Government contrary to the Maharashtra Water Resources Regulatory  
Authority Act, 2005.

The Petitioners are depending upon Darna Complex for their drinking  
and agriculture needs because of acute shortage of water in their rain  
shadow area. Any release from Darna Dam will affect drinking water



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण  
Maharashtra Water Resources Regulatory Authority  
9th & 11th Floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai-400005.

demand of the Petitioners. As huge quantity of water flows in the Arabian Sea unutilized, the Hon'ble High Court at Bombay in PIL No. 170/2013, vide order dated 23/09/2016, directed to divert water from Konkan area to Godavari Basin. However, the pace of work on this diversion of water is very slow but the work of water grid is being taken at supersonic speed. Unless and until water is made available, it is futile exercise to undertake water grid project. Therefore, the Petitioner mainly prayed to restrain the Respondents from implementing the project of Marathwada Water Grid for entire districts in Marathwada Region unless and until 80 TMC water is diverted from Konkan Region to Godavari Basin.

3. After filing of the Petition on 23/07/2019, the matter could not be taken up due to the Covid-19 pandemic and vacancy of post of Chairperson and Members of the Authority. The Authority vide its letter dated 15/01/2020 and 07/09/2022 directed all the Respondents to file Para wise Affidavit in Reply within four weeks. However, none of the Respondents complied.
4. The Authority conducted first hearing in the matter on 04/05/2023. During the hearing, the Authority stated that the present matter is at pre-admission stage and issue of jurisdiction of this Authority needs to be decided first and directed the Petitioner to file an Affidavit in this regard.
5. After receipt of the Petitioner's Affidavit dated 17/05/2023, the Authority conducted second and final hearing on 22/06/2023. During the hearing, Adv. Amol G. Vasmatkar, on behalf of Respondent No. 4, filed an Affidavit in Reply dated 21/06/2023 and copies were given to all parties. Adv. Vasmatkar submitted that Marathwada Water Grid project is only for domestic water supply at first stage and is still at planning stage.
6. During the hearing, Adv. R. L. Kute could not justify that the Authority has jurisdiction as per the provisions of Maharashtra Water Resources Regulatory Authority Act, 2005. Considering the Affidavit filed by the Respondent No. 4 and after taking instructions from the Petitioner,



*R. L. Kute*



Adv. R. L. Kute submitted that Petitioner would like to withdraw the Petition with liberty to file a fresh Petition.

### ORDER

7. 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 Petitioner is hereby allowed to withdraw the petition.
- (b) The Petition under Case No. 17 of 2019 is disposed of with no order as to the costs.

Delivered on June 27, 2023.

Sd/-

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

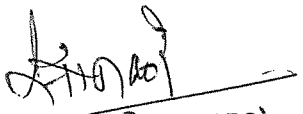
Sd/-

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

Sd/-

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



  
(Dr. Ramnath Sonawane)  
Secretary  
Maharashtra Water Resources  
Regulatory Authority,  
9<sup>th</sup> Floor, Center-1, World Trade Center,  
Cuffe Parade, Mumbai - 400005.

