

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.4 (2018)/324

Date : 24/06/2025

Case No.4 of 2018

Petition filed by Marathwada Janta Vikas Parishad, Chhatrapati Sambhajinagar through Shri. Shankar A. Nagre and Shri. Satish G. Joshi in the matter of giving water to Marathawada Region from Krishna Basin.

Please find enclosed herewith a copy of MWRRA Order No. 02/2025 dated 24/06/2025 in the above matter.

Encl : As Above

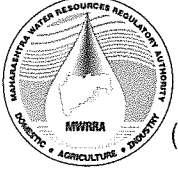



(Mallikarjun Dharane)
Secretary, MWRRA

Copy for information & necessary action to :-

1. Shri. Shankar A. Nagre & Shri. Satish. G. Joshi, Members of Marathawada Janta Vikas Parishad, Nageshwarwadi, Chhatrapati Sambhajinagar through Adv. Yashodeep Deshmukh, 2nd floor, Natwar Chambers, Nagindas Master Road, Fort, Mumbai - 400001. (Petitioner)
2. Additional Chief Secretary, Water Resources Department, Mantralaya, Mumbai - 400032 [Attn: SE & DS (WR)]. (Respondent No. 1)
3. Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barne Road, Pune - 411 011. (Respondent No. 2)

4. Executive Director, Godavari Marathwada Irrigation Development Corporation, 1st floor, Sinchan Bhavan, Jalna Road, Chhatrapati Sambhajnagar - 431 005. **(Respondent No. 3)**
5. Superintending Engineer, Krishna Water Dispute Tribunal, 1st Floor, Central Building, Agarkar Nagar, Pune - 411 001. **(Respondent No. 4)**
6. Superintending Engineer, Pune Irrigation Project Circle, 10 Bund Garden Road, Opposite Council Hall, Pune - 411001.
7. Superintending Engineer, Dharashiv Irrigation Circle, Anand Nagar, Dharashiv - 413501.



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Maharashtra Water Resources Regulatory Authority

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ORDER NO. 02/2025

(Case No.4 of 2018)

Petition filed by Marathwada Janta Vikas Parishad, Chhatrapati Sambhajinagar through Shri. Shankar A. Nagre and Shri. Satish G. Joshi in the matter of giving water to Marathawada Region from Krishna Basin

1. Shri. Shankar Anand Nagre
R/o Datta Niwas,
CIDCO, Chhatrapati Sambhajinagar
2. Shri. Satish S/o Govindrao Joshi,
R/o Flat No. 9, Hansraj Complex,
Nageshwarwadi, Chhatrapati Sambhajinagar

....Petitioners

---Vs---

1. State of Maharashtra
Through its Principal Secretary,
Water Resources Department,
Mantralaya, Mumbai - 400032.
2. Maharashtra Krishna Valley
Development Corporation,
Through Executive Director,
Sinchan Bhavan, Barne Road, Pune



3. Godavari Marathwada Irrigation
Development Corporation,
Through Executive Director,
Sinchan Bhavan, Jalna Road, Chhatrapati Sambhajinagar
4. Superintending Engineer,
Krishna Water Dispute Tribunal, 1st Floor,
Central Building, Agarkar Nagar, Pune 411001

....Respondents

- Adv. Yashodeep Deshmukh for the Petitioners
- Adv. Deepak Nargolkar, Advocate for the Respondent No. 1, 2 and 4
- Adv. Pradeep Patil, Advocate for the Respondent No. 3

Coram : Dr. Sanjay Chahande, Chairperson
Shri. Rajendra Mohite, Member (WRE)
CA. Shwetali A. Thakare, Member (Economics)

Date : June 24, 2025

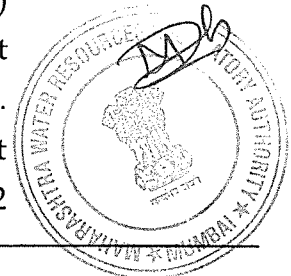
1. Marathwada Janta Vikas Parishad, Chhatrapati Sambhajinagar through Shri. Shankar Anand Nagre and Shri. Satish Govindrao Joshi, filed a Petition dated 07/05/2018 before Maharashtra Water Resources Regulatory Authority (MWRRA) in the matter of giving water to Marathwada Region from Krishna Basin.
2. The Petitioners submitted that the Krishna River is an Interstate River passing through Maharashtra, Karnataka, Andhra Pradesh, and Telangana States. As per the Krishna Water Dispute Tribunal (KWDT) Award dated 31/05/1976, a total of 585 Thousand Million Cubic Feet (TMC) of water was allotted to Maharashtra for use in the Krishna Basin. However, Respondent No. 2 - Maharashtra Krishna Valley Development Corporation has planned to use 706 TMC water. It is also seen that 32



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Maharashtra Water Resources Regulatory Authority

9th & 11th Floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai-400005.



TMC water was shown against the aggregate planned use of 89 TMC on Minor Irrigation Projects. Even Local Sector schemes are not considered in the above figures. Similarly, consumptive planned water use of Major and Medium Projects was shown as 554 TMC as against gross planned use of 609 TMC. Even, there is no limitation of Bandhara storages constructed for lifting water. Thus, Respondent No. 2 plans excess water use.

3. The Petitioners further submitted that out of 69420 Sq. Km. of Krishna Basin in Maharashtra, 5830 Sq. Km. of Beed and Osmanabad Districts of Marathwada Region i.e. 8.4% area is covered by Krishna Basin. It is expected that 8.4% of the total 585 TMC i.e. 49 TMC water should be utilised by Marathwada Region. However, it is seen that maximum works are done in the Pune region and no proper attention is given to increase irrigation potential in Beed and Osmanabad Districts of Marathwada Region in Krishna Basin.
4. The Petitioners further submitted that during Cabinet Meeting on 22/05/2005 at Aurangabad, it was decided that a total of 25 TMC of water to be used in Beed and Osmanabad Districts of Marathwada Region in Krishna Basin by constructing three lift irrigation schemes. Thereafter, the revised water use of three lift irrigation schemes was reduced from 23.66 TMC to 7 TMC. As per the Godavari Water Dispute Tribunal (GWDT) Award - 1979, 14 TMC water is available in replacement of water spread from the Godavari Basin to Krishna Basin through the Polavaram Project. The water borrowed from Krishna Basin will be used by Godavari Basin of Marathwada Region.
5. The Petitioners further submitted that as per the KWDT - II Report dated 30/12/2010, the share of Marathwada will be 55.90 TMC. Out of this 32.10 TMC water storages were created in Marathwada and the balance of 23.80 TMC water is to be spared for Marathwada. KWDT - II has given additional 81 TMC water to Maharashtra, out of which 28 TMC water should be allowed to be used in Marathwada. Further, TATA company's hydro-projects after utilizing about 45 TMC water from the Bhima sub-basin, a water-short basin, let out water in the Konkan area, a water-rich basin. Therefore, the State Government is requested to review the TATA Agreement regarding water use and without giving any



extension, this water should be used in Bhima sub-basin in Latur, Osmanabad and Beed districts.

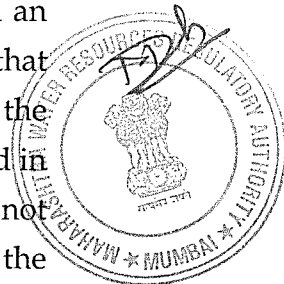
6. Therefore, the Petitioners prayed that;

- (1) *The total legitimate share of water of 55.90 TMC is to be given for Marathwada Region from Krishna Basin.*
- (2) *The water of 14 TMC of Godavari basin given as borrow to Krishna Basin through Polavaram project is to be received back through Krishna Basin above Nagarjunsagar Dam. This water is to be given to Godavari basin that to Marathwada as per GWDT decision in 1979/1980.*
- (3) *The Krishna Marathwada Project should be allowed to be constructed for the total water use of 23.66 TMC as per original planning declared by the Chief Minister in the cabinet meeting in 2005 at Aurangabad.*
- (4) *Any other appropriate relief to expedite the progress of backward region of Marathwada having only 6% of total water available in the State and only 18% irrigation created as against 25% of the State potential.*

7. After receipt of the Petition on 08/05/2018, the Authority scrutinised the Petition as per MWRRA (Conduct of Business) Regulations, 2013 and directed the Advocate for the Petitioners to file a revised Petition. Accordingly, the Petitioners filed a revised Petition on 19/10/2018.

8. The Authority conducted the first hearing on the matter on 05/02/2019. During the hearing, the Authority observed that the petition involves issues related to the awards of Krishna Tribunals and Godavari Tribunals and therefore, it is prima facie seen that the Authority do not have jurisdiction to interfere with the tribunal award. The Authority also observed that no specific legal provision is quoted by the Petitioners in the Petition. The Authority directed Respondent to file an Affidavit in Reply and directed to make Superintending Engineer, KWDT, Pune a party Respondent in the matter.

9. As per the directions of the Authority, Respondent No. 1 and 4 filed an Affidavit in Reply 19/03/2019. The Respondents submitted that KWDT's decision under the Inter-State Water Disputes Act, 1956 has the same force as a decree of the Supreme Court and cannot be questioned in any other forum except the Supreme Court of India. The Petition is not maintainable under the Act, as there is no Entitlement in favour of the



Petitioners. As per Section 22 of the MWRRA Act, the Authority has an Appellate Jurisdiction and not an Original Jurisdiction. As per the KWDT - I Award, there are certain limitations on westward diversion as well as use in the K5 - Bhima basin. The states of Karnataka, Andhra Pradesh, and Telangana challenged the KWDT-II Award before the Supreme Court, and the final decision is pending. KWDT - II refused to grant permission for Maharashtra to transfer water from the K-1 basin to the K-5 basin to fulfil the requirements of the Marathwada Region. Therefore, the Authority has no jurisdiction to adjudicate and decide the matter under the MWRRA Act, 2005, and the Petitioners are not entitled to any relief as per the Petition.

10. Thereafter, the Petitioners filed an Affidavit in Rejoinder on 30/03/2019 on the Respondent No. 1 and 4's Affidavit in Reply. The Petitioners submitted that they are not challenging the KWDT - I and II Award. The Petitioners are not seeking any relief for individual entitlement and the MWRRA is the competent Authority for policy, equitable distribution and general share of Marathwada region. The Petitioners are not raising any arguments, which are negative by KWDT - II as the same is not a subject matter of this Petition. As the KWDT - II Award is not in operation, the Petitioners are restricting their claim share of water based on KWDT - I. Further, the KWDT - II decision did not account for 14 TMC of water for use in Krishna Basin and thus, the decision of Cabinet Sub-Committee in this regard is not valid.

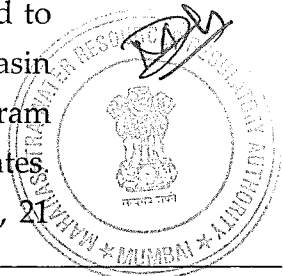
11. The Petitioners further submitted that consumptive water use in Krishna Basin as per the Integrated State Water Plan is more than allowed water use as per KWDT - I i.e. excess water stored by Maharashtra and will be used by other States. Further, 50% of the area in the Marathwada Region is irrigated against the Pune Region in the Krishna Basin. Maharashtra State has planned/constructed extra storages of 150 TMC, which is against the KWDT - I Award. Therefore, it is requested to allocate 49.1 TMC of water to the Marathwada Region and 14 TMC of water should be reverted back to Godavari Basin for utilization in the Marathwada Region.

12. The Authority conducted second hearing in the matter on 24/04/2019. Based upon the arguments advanced in the hearing, the Authority



directed Respondents to file an Affidavit in Reply on the Petition and queries raised by the Authority. Accordingly, Respondents No. 1 and 4 filed an Affidavit on Rejoinder filed by the Petitioners on 24/05/2019. KWDT - I distributed the water available in the Krishna basin at 75% dependability on 27/05/1976. Then, KWDT - II decided the water availability of the Krishna basin afresh and distributed the water available at average dependability on 29/11/2013. KWDT - II has kept undisturbed the water allocation made by KWDT - I and distributed the balance water as per 65% and average dependability amongst the party states. KWDT - II rendered its decision based on voluminous documentary evidence filed by party states, various affidavits filed by the expert witness and their extensive cross-examination. Therefore, it would be prudent to take cognizance of the KWDT - II decision while making policy decisions regarding project planning in the Krishna basin.

13. Respondents No. 1 and 4 further submitted that after the notification of the KWDT - II award, the Krishna Waters Decision - Implementation Board will clear the new projects as per directions of KWDT - II. The Petitioner's contention about reverting 14 TMC of water to the Godavari Basin and not to Krishna Basin has no basis and is misleading. Before constituting Tribunals, the Central Government appointed Krishna Godavari Commission on 01/05/1961 to investigate the demands and water availability. The Commission submitted its Report in August 1962 and observed that there was surplus water in the lower portion of the Godavari basin and supplies in the Krishna basin were inadequate to meet the demands. Thus, the Commission suggested investigating the proposal of diversion of water from the Godavari basin into the Krishna basin for use only in the Krishna basin and never intended to revert it to the Godavari basin.
14. Respondents No. 1 and 4 further submitted that regarding the Commission's suggestion, both KWDT and GWDT framed appropriate issues. However, there was no finality of the proposal of diversion in KWDT - I but during the proceedings of the GWDT, it was finalised to divert 80 TMC of water from the Godavari basin into the Krishna basin below Nagarjunsagar Project on Krishna river through Polavaram Project and an agreement was signed between concerned party States. Accordingly, out of 80 TMC of water, 45 TMC for Andhra Pradesh, 21



TMC for Karnataka and 14 TMC for Maharashtra will be utilised in Krishna basin. Any States before KWDT - II did not raise the issue of the diversion of water, as the same was already settled by agreement before the GWDT and there was no further dispute regarding that agreement.

15. Respondents No. 1 and 4 further submitted that the water allocated by KWDT - I to all party States is en-bloc and not region-wise or project-wise. KWDT - I, after going through various parameters and the Court's decisions regarding equitable distribution, has observed that there is no mechanical formula of equitable apportionment applicable to all rivers as each river system has its peculiarities. KWDT - I distributed the 75 % dependable water available as part of it for protected - committed use and balanced water allocated equitably based on scrutinising project reports filed by the party States. Accordingly, Maharashtra State has given an en-bloc allocation of 560 TMC, out of which 440 TMC is protected use and the balance of 120 TMC is worth consideration. Thus, the Petitioner's claim regarding the legitimate share of the Marathwada region based on geographical area is unsound and incorrect.

16. Respondents No. 1 and 4 further submitted that as per KWDT - I decision Maharashtra State shall not use more than 585 TMC in any water year. In addition, gross planned water use will have to be more than allocated water, which is merely because of the formula applied with respect to domestic & industrial use and less water utilisation of minor projects. Therefore, actual use is always less than planned use and actual utilisation never exceeded the limit of 585 TMC as per KWDT - I. Maharashtra State also submitted before KWDT - II that any new/future project would only be taken up on allocation of additional water by KWDT - II. Further, water allocated as per KWDT - II will not be utilised in any non-scarcity / DPAP area, the new project will be permissible after no objection from the Krishna Water Decision Implementation Board and shall not involve any inter-basin transfer.

17. Thereafter, the Petitioners filed an Affidavit in Sur-Rejoinder on 03/06/2019 on Respondent No. 1 and 4's Affidavit in Reply. The Petitioners submitted that the demand of 48.50 TMC of water for the Marathwada Region from the Krishna Basin is based on the share of 585 TMC of water as per the KWDT-I Award. As KWDT - II Award does not



vary/modify in any manner the water given under KWDT - I Award, i.e. 585 TMC and its utilisation, the question of seeking permission from Krishna Water Decision Implementation Board does not arise and construction of such projects in Bhima sub-basin for Marathwada Region does not come within the ambit of KWDT - II Award. Thus, the stand taken by the Respondent State is wholly misconceived. The entire area of Marathwada in the Bhima sub-basin of the Krishna Basin is a scarcity- and drought-prone area, lagging in irrigation potential created.

18. The Petitioners further submitted that Respondents have not set out exactly as to what formula applied by the KWDT and by the State in making of KWDT - I Award for sharing water on an equitable basis between the States and within different regions of the State. Further, Respondents have not explained the huge gap in irrigation potential created within the same basin/sub-basin. There is nothing about the usage of an additional 14 TMC of water in the KWDT - I and II award. The denying Petitioner's contention of making 14 TMC of water available to the Godavari Basin/Marathwada Region is illegal, arbitrary and unjust. Respondents have admitted to the creation of excess storage in Krishna basin more than the State's share as per KWDT - I Award without disclosing supporting factual records. Even, the Integrated State Water Plan for Maharashtra supports the apprehensions of the Petitioners and therefore, the Respondents are guilty of taking a contrary or inconsistent stand on water planning and allocation in the present proceedings.
19. The Petitioners further submitted that as per the Integrated State Water Plan for Maharashtra, it is not true that the Godavari basin has surplus water than in Krishna basin. In addition, the Pune region uses excess water and Krishna Basin Authority is not ready to give equitable water share to Marathwada. Out of 45 drought-prone affected Talukas in the Krishna basin, 10 Talukas are from the Marathwada area. Therefore, the distribution of water will be on an area basis.
20. As per the directions of the Authority, Respondent No. 3 filed an Affidavit in Reply dated 27/05/2019 to the Petition and submitted that there is a discrepancy in the figures of the geographical area covered by Osmanabad and Beed districts in Krishna Basin. As per the Cabinet



meeting dated 22/05/2005, 21.00 TMC of water was allocated to the Marathwada region under the Krishna-Bhima stabilization program. Then, as per the administrative approval to Krishna Marathwada Project (KMP) dated 23/08/2007- an additional 4.00 TMC of water on the downstream side of Sina Kolegaon project was allocated. Thus, KMP had 25.00 TMC of water allocation, which was decreased to 23.66 (21+2.66) TMC as per revised water planning dated 07/07/2009. As per the first revised administrative approval dated 27/08/2009, the KMP was to be executed in two stages i.e. 7 TMC of water for 33945 hectares in the first stage and 16.66 TMC of water for 80786 hectares in the second stage. As per the revised water planning, 14 TMC of water was allocated to the state of Maharashtra against the Pollavaram project. Out of 14 TMC water, 7 TMC of water has been allocated to KMP TMC as per revised water planning dated 07/07/2009.

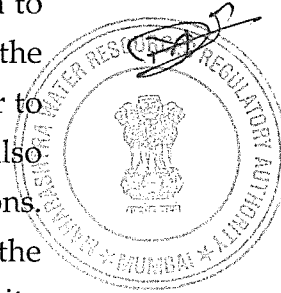
21. As per the directions of the Authority, Respondent No. 2 filed an Affidavit in Reply dated 25/06/2019 to the Petition and submitted that Respondent No. 2 craves leave to refer and rely upon the affidavits filed by Respondents No. 1 and 4. The Petition is not maintainable under the MWRRA Act, as the Petitioner is not having an Entitlement. Planned water utilisation of Osmanabad and Beed districts in Krishna Basin is given in the Intergraded State Water Plan which was approved by the State Water Council in June 2018 and the Authority should not alter or modify said Plan, which was approved by Respondent No. 1. Further, State Water Council decided to make provision for 23.66 TMC of water, out of which presently provision 7.00 TMC of water is already made and provision of balance water may be made after receipt of Study Group. Accordingly, State Government has constituted a Study Group under the Chairmanship of Shri. A. P. Bhawe to study the reduction of westward diversion of water through hydropower generation and make it available in Krishna Basin to mitigate drought and to meet the increasing demand of drinking, irrigation and industrial water. Therefore, the Petition deserve to be dismissed on locus, maintainability and merits.

22. The Authority conducted the third hearing in the matter on 01/07/2019. During the hearing, Senior Adv. Deepak Nargolkar, for Respondent Nos. 1, 2 and 4 submitted that the provision of 7 TMC water is already made and provision for balance water will be made after receipt of the Study



Group. Accordingly, Respondent No. 1 constituted a Study Group in August 2018 to which Petitioner is also a Member and the Study Group has submitted their report in May 2019. He further seeks time to file an affidavit to submit said Study Group's Report and on maintainability & Authority's jurisdiction in the present matter. He further stated that any augmentation of water in the Krishna basin will be divided among three states, namely Maharashtra, Karnataka, and Andhra Pradesh (including Telangana). Maharashtra State has submitted its plan for 585 TMC of water from the Krishna basin to the KWDT. The KWDT - II has made provision for an additional 14 TMC of water to Maharashtra State. However, the award is not notified yet.

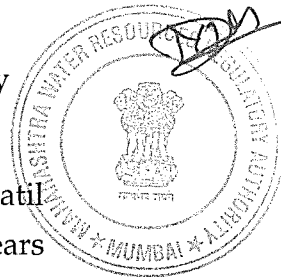
23. Thereafter, Respondent No. 2 filed an Affidavit dated 26/07/2019 and submitted that as per KWDT - I, KWDT - II and GWDT decision, the water from Krishna basin cannot be taken out of the basin and even from one sub-basin to another sub-basin. A Study Group, constituted under the Chairmanship of Shri. A. P. Bhave including Petitioner - Shri. Shankarrao Nagre as a Member has submitted its Report to the Government of Maharashtra and the same has not been officially approved or accepted by Respondent No. 1 and therefore, could not be filed before this Authority.
24. The Authority conducted the fourth hearing in the matter on 31/07/2019. During the hearing, the Authority stated that the present dispute pertains to the powers of the Authority under Sections 11 & 12 of the Act. Therefore, the Petitioners can very well approach this Authority and for that matter the requirement of any entitlement and subsequent approaching the Primary Dispute Resolution Officer do not arise in the present case as it is not the appeal under Section 22 of the Act. Senior Adv. Deepak Nargolkar submitted that the State Government is keen to provide water to Marathwada Region. If the Petitioners agree, then the State Government would like to discuss the matter with the Petitioner to find out amicable solution. Adv. Deshmukh for the Petitioners has also given concurrence to the proposal of such discussion & the negotiations. The Authority agreed to such an Out-of-Court amicable settlement in the interest of justice and accordingly adjourned the matter. The Authority further directed to submit jointly the outcome of such discussions and the steps taken thereon, if in case any settlement is reached.



25. As per the Authority's directions, Respondent No. 2 filed an Affidavit dated 01/11/2021 and submitted that an Expert Committee is formed under the Chairmanship of Shri. Avinash Surve wherein Petitioner is also a Member. The Committee will decide the policy and further course of action on the Report of Shri. Bhawe Committee regarding reduction in the westward diversion of Krishna water for power generation. He further requested that the next hearing be scheduled after the submission of the Surve Committee Report to the Government and after the Government takes appropriate action on this report. Thereafter, as per the Authority's directions, Respondent No. 1, vide Affidavit dated 02/03/2022, has given the status of the matter and requested that the next hearing may be scheduled after the submission of the Surve Committee Report to the Government and after the Government taking appropriate action on this report.
26. As there was no compliance from both parties, the Authority scheduled hearings on 03/09/2024, 22/10/2024, and 12/02/2025, which were adjourned as per the Petitioners' request. Therefore, the Authority scheduled the fifth and final hearing in the matter on 22/04/2025. During the hearing, the Authority observed that taking into consideration the precise prayers of the Petitioner in the Petition, the specific provisions of the Act, which can be invoked in this particular case, need to be properly looked into. Also, during the hearing, Adv. Gurubala Birajdar appeared and wanted to submit an Intervention application on behalf of the Intervener (Shri. Kailas Ghadage-Patil). The Authority observed that said application needs to first be processed as per the MWRRA Regulations. The Authority directed the Petitioners to file their written say and the Respondents to file Rejoinder to said say.
27. Accordingly, Petitioner - Shri. S. A. Nagre, vide letter dated 23/04/2025, filed his say and submitted that Respondent No. 2 is planning to utilize excess water beyond the allotment by KWDT - I. Respondent No. 2 is storing water at the expense of excess land, and the costs incurred are being borne by the State Government. According to the KWDT - II Award, a Board will oversee the distribution of this water and may require its release to lower riparian states. This situation is detrimental to our state, as the water we have stored could be redirected for use by other states.



28. Deepak Nargolkar submitted a Written Submission on behalf of Respondents No. 1, 2 and 4 on 07/05/2025. Regarding locus, the Petitioners have not claimed that the Prescribed Authority has declared any entitlement as allocation in the Petitioner's favour. The Petitioners do not fall under 'Water User Entity' as the Petitioner's association is not authorised by any Authority to receive and utilise water entitlement. The Authority, being Appellate Authority, is not empowered to entertain an Original Application of this nature and it is incumbent on the Petitioners to approach the competent officer appointed under Section 22 of the MWRRA Act, 2005 to resolve the dispute related to the issuance or delivery of water entitlement under the Act. If he fails to resolve the dispute, then Petitioners should approach this Authority in its Appellate jurisdiction. Thus, the Petitioners have no locus to file the Petition and the Authority has no jurisdiction to entertain the same.
29. Deepak Nargolkar further submitted that KWDT - I, while making equitable apportionment of water, considered various factors like population, drainage area, drainage contribution, priority of various uses of water, committed uses, economic and social needs, drought-prone area, culturable area and demands outside the basin. Thereafter, KWDT - I have observed that there is no mechanical formula of equitable apportionment applicable to any river. Therefore, the geographical area cannot be the sole criteria for the distribution of water. Regarding 14 TMC of water, the issue was not raised before KWDT - II by any party States as it was already settled by an agreement before GWDT and there are no further disputes regarding that agreement. It would be prudent to take cognizance of the KWDT - II decision while making policy decisions regarding project planning in the Krishna basin. Even today, the actual utilisation in Krishna Basin has never exceeded the limit of 585 TMC as per the KWDT - I Award. Therefore, the Petitioner's submission deserved to be rejected on the above grounds for want of jurisdiction of this Authority and want of locus of the Petitioner.
30. After receipt of written say / submission of both parties, the Authority decided to close the matter for Order.
31. The intervention application was filed by one Shri. Kailash Ghadge Patil on 22/04/2025. It is to be seen that this intervention is filed after 7 years of filing the original petition that is dated 07/05/2018. Further, the



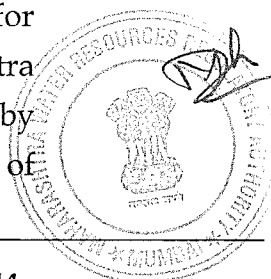
procedural formalities as per regulations of the MWRRA have not been complied with. In addition to this, at this stage it is not appropriate to implead him as a party in this petition and allow him to amend petition.

32. To summarize the prayers based on the above discussion, the first prayer of the appellant is that 55.90 TMC of water to be given for Marathwada Region which has to be in proportion to the area of the region. Second, 14 TMC of water from Godavari Basin to be received back to the Godavari Basin for Marathwada region as per the Godavari Water Dispute Tribunal, and third, the cabinet decision of the meeting held in the year 2005 in respect of construction of Krishna Marathwada Project to be implemented.
33. The Authority in the first hearing dated 05/02/2019 observed that the petition involved issue related to Krishna Tribunal and Godavari Tribunal and prima facie that the Authority did not have jurisdiction to interfere with the tribunal award. The Authority had also observed that no specific legal provision was quoted by the Petitioner in the petition. However, it was further observed in the hearing on 31/07/2019 that the broad view could be taken under provisions of section 11 and 12 of the MWRRA Act. The appellant in his affidavit dated 30/03/2019 specifically mentioned that, the Authority was competent as per the policy of equitable distribution. The Respondents in their affidavit dated 19/03/2019 and dated 27/05/2019 mentioned that, the Authority's jurisdiction under Section 22 of the MWRRA Act could not be invoked in this particular case. They mention that petition was not maintainable under this act as there was no issue of Entitlement involved in favour of the petitioners. They further mentioned that, awards of KWDT could not be interfered by the Authority as the decree of the tribunal has power of decree of the Supreme Court. The Authority in its hearing dated 22/04/2025 observed that taking into consideration the precise prayers of the petitioner in the petition, specific provision of the Act which could be invoked in this particular case needed to be properly looked into. During the hearing, the Advocate for the petitioner had read out various provisions under Section 11 and 12 of the MWRRA Act and contended that the provision of equitable distribution need to be invoked in this case. The respondent on their part in the written submission dated 07/05/2025 re-emphasized that this matter could not



be heard by the Authority and the Authority was not competent to deal with this case.

34. The Authority is of the opinion that, the Authority's power is not restricted to Section 22 of the MWRRA Act. However, considering the above prayers of the petitioners and specific directives sought, petitioners could not satisfy the Authority, that a particular section or set of sections could be invoked to try this case. Neither this was mentioned in the petition nor in any of the subsequent affidavits/submission made. 'Equitable Distribution' is not sufficient to give specific directives.
35. Notwithstanding the above position, so far as the first prayer is concerned i.e. the allotment of 55.90 TMC of water in proportion to the area of the Marathwada region from Krishna basin, the Respondents in the affidavit dated 24/05/2019 submitted that, the allotment of proportion of water in consonance of Geographical area is not sound. Further, there cannot be any mechanical formula of such equitable apportionment of river water. It is clear that, planning of water resources would depend on various technical and local factors which are to be duly considered by the State. It is important to mentioned here that ultimately how the available water resource are to be exploited is decided by the technical expertise in preparation of Integrated State Water Plan. It is specifically mentioned by the Respondents in their affidavit dated 25/06/2019 that the plan of utilization of Krishna Water for Marathwada districts have been approved in the Integrated State Water Plan. Further, ultimately the State Water Council has to decide planning of the available water resources. It seems very difficult for the Authority to interfere in the Integrated State Water Plan which is approved by the State Water Council, which itself is done as per the Section 16 of the MWRRA Act.
36. As far as the second prayer is concerned about receiving back of 14 TMC of water through Godavari basin, the affidavit of the respondent dated 24/05/2019 specifically mentioned agreement signed between the concerned State Parties and that out of 80 TMC of water 45 TMC for Andhra Pradesh, 21 TMC for Karnataka and 14 TMC for Maharashtra has to be utilized in Krishna Basin and that this issue has been settled by the agreement before GWDT. The issue of reverting 14 TMC of water of



Godavari basin is quite complex issue and it has basis right from the appointment of Krishna and Godavari commission in the year 1961 by the Central Government. As stated, the complex issue between KWDT and GWDT was settled during the proceedings of GWDT by the entrusted agreement as stated above. The petitioner in his submission 13/03/2019 has given the background that with only 50 percent of the area of Marathwada Region being irrigated against the Pune region in Krishna Basin and thus, this 14 TMC of reverted water (in addition to 49 TMC of water) should be given to Marathwada area. Again the basins seem to be geographical area and the area irrigated rather than sound technical and legal position.

37. Prayer 3 pertains to the decision taken by the Cabinet. Without going into the details of this, it can be said that, it is not possible for the Authority to interfere or even to cause the implementation of the particular decisions taken by the State Cabinet. Hence, specific directives in this respect cannot be given to the state as mentioned by the Respondent. Further, as stated by Respondents in their say, the State Government has decided to execute the project in 2 stages i.e. 7 TMC of water in first stage and 16.66 TMC of water in second stage. It is pertinent to mentioned here that, as submitted by the Respondent in their affidavit dated 01/11/2021 expert committee has been formed under the Chairmanship of Shri. Surve to decided further implementation of Bhawe Committee report about reduction in westward diversion of Krishna water. It is to be mentioned here that the petitioner Shri. Nagre himself is a member of this committee. Thus, there is further scope for giving some relief to the drought prone area in the basin.

Order

38. Having 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 and, this Authority, hereby orders as under:

a) The case is dismissed.



- b) State may take appropriate steps so far as the Committees mentioned in Para 37 are concerned.
- c) Therefore, Petition under Case No. 4 of 2018 is disposed off along with intervention applications with no order as to the costs.

Delivered on June 24, 2025.

Sd/-

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

Sd/-

(Shri. Rajendra Mohite)
Member (WRE)

Sd/-

(Dr. Sanjay Chahande)
Chairperson



M. Dharane

(Mallikarjun Dharane)
Secretary, MWRRRA