

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/2025/Legal/Case No. 2 (2025)/362

Date : 10/07/2025

Case No. 2 of 2025

**An Appeal filed by Municipal Corporation of Greater Mumbai & Anr
challenging the Minutes of the Meeting dated 16/02/2023 issued by
Superintending Engineer, Thane Irrigation Circle, Thane, regarding the
levying of water charges at two times the normal rate to the Appellant**

Please find enclosed herewith a copy of MWRRA Order No. 03/2025 dated 10/07/2025 in the above matter.

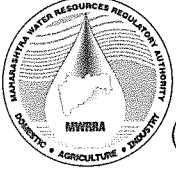
Encl : As Above



Mallikarjun Dharane
(Mallikarjun Dharane)
Secretary, MWRRA

Copy for information & necessary action to :-

- 1) Adv. Samadhan Gund, Legal Department, Municipal Corporation of Greater Mumbai, Mahapalika Marg, Fort, Mumbai - 400001.
- 2) Deputy Hydraulic Engineer (Planning & Control), Engineering Building, 1st floor, Dr. Mojes Road, Worli, Mumbai-400 018.
- 3) Principal Secretary, Water Resources Department, Mantralaya, Mumbai - 400032 (Respondent No. 1)
- 4) Executive Engineer, Bhatsa Dam Management Division, Bhatsanagar, Taluka Shahapur, District Thane - 421601 (Respondent No. 2)



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)

ORDER NO. 03/2025

Case No. 2 of 2025

An Appeal filed by Municipal Corporation of Greater Mumbai & Anr challenging the Minutes of the Meeting dated 16/02/2023 issued by the Superintending Engineer, Thane Irrigation Circle, Thane, regarding the levying of water charges at two times the normal rate to the Appellant

1. Brihanmumbai Mahanagarpalika
Office at Mahapalika Marg, Fort,
Mumbai-400 001.
2. Hydraulic Engineer's Department,
Through Deputy Hydraulic Engineer (Planning & Control)
Engineering Building, 1st floor, Dr. Mojes Road,
Worli, Mumbai-400 018.

...Appellants

-----Vs-----

1. The State of Maharashtra,
Through its Principal Secretary,
Water Resources Department,
Mantralaya, Mumbai - 400 032.
2. Executive Engineer,
Bhatsa Dam Division, Bhatsanagar,
Taluka - Shahapur, Dist - Thane

...Respondents



Adv. Abhishek Khare and Adv. Samadhan Gund, Advocate for the Appellants

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

Date : July 10, 2025

1. Municipal Corporation of Greater Mumbai (MCGM), Mumbai (Brihanmumbai Mahanagarpalika) and Anr. through Adv. Samadhan Gund, vide letter dated 10/02/2025, filed an Appeal before the Maharashtra Water Resources Regulatory Authority (MWRRA) challenging the Minutes of the Meeting dated 16/02/2023 issued by the Superintending Engineer, Thane Irrigation Circle, Thane, regarding the levying of water charges at two times the normal rate to the Appellant.
2. The Appellants submitted that the MWRRA Order dated 11/01/2018 has given guidelines to determine daily water requirement based upon the population of Urban Local Body (ULB), but there is no mention of the water demand of commercial and industrial use within ULB. Table No. 2 of Appendix 2 of said Order specified slabs for rates to be charged as per actual water consumption, including leakages, unauthorised consumption and commercial consumption. Due to this, ULBs like Appellants are pushed into a higher rate slab while raising the bills towards bulk water supply.
3. The Appellant further submitted that Respondent No. 2 - Executive Engineer, Bhatsa Dam Division, Bhatsanagar, vide letter dated 16/08/2018, has informed that as the MCGM's actual water usage is more than 140% of their applicable water use and therefore, MCGM will be charged at twice the normal rate. However, Respondent No. 2 has erroneously considered the 2011 population and not the current population and failed to account for commercial and industrial water consumption. The actual excess water use is about 136.51% and the Appellant is liable to be charged at 1.5 times the normal rate.



4. The Appellant had approached this Authority earlier in Case No 5 of 2020, wherein the Authority vide its Order dated 25/07/2022 disposed off the matter and directed the Appellant to first avail the dispute resolution mechanism given in the agreement. Accordingly, a meeting was held by the Superintending Engineer, Thane Irrigation Circle, Thane on 16/02/2023, and the minutes of the meeting were issued on 25/08/2023. Being aggrieved by the said minutes, the Appellant approached this Authority through the present Petition.

5. The Appellants prayed for the following reliefs in their Appeal;

- (a) *To call for the records from the office of Superintending Engineer, Thane Irrigation Division and after perusal of the same, to declare the impugned Minutes of the Meeting dated 25.08.2023 issued by the office of the Superintending Engineer, Thane Irrigation Division regarding the meeting held on 16.02.2023 levying water charges at 2 times of the normal rate as unjust, unfair, erroneous and illegal and be pleased to quash and set aside the impugned Order dated 25.08.2023;*
- (b) *To call for the records from the office of Executive Engineer (Bhatsa Dam Division), Bhatsanagar and after perusal of the same, to declare the impugned Order dated 16.08.2018 (Exhibit A) by the Executive Engineer (Bhatsa Dam Division), Bhatsanagar levying water charges at 2 times of the normal rate w.e.f March 2018 as erroneous and illegal and be pleased to quash and set aside the impugned order;*
- (c) *It is respectfully requested that it be declared that the applicable water charges for bulk water supply to the Appellant, Brihanmumbai Municipal Corporation (BMC), should be at a rate of 1.5 times the standard rate. Consequently, appropriate and binding directions should be issued to Respondent No. 2, mandating that the water charges be revised to reflect this 1.5 times rate rather than the currently imposed 2 times rate as applied by the Office of the Executive Engineer (Bhatsa Dam Division), Bhatsanagar. This revised rate should be applied retrospectively from March 2018.*
- (d) *Any other appropriate order as may be found in favour of the Petitioners, in the interest of justice may kindly be passed.*



6. As per the MWRRA (Conduct of Business) Regulation, 2013, the primary scrutiny to see the technical compliance before the admission of the Petition is to be done by the Secretary of the Authority. Once this is fulfilled, then the issue of admissibility is to be dealt with. In this context, Regulation 15(7) of the MWRRA (Conduct of Business) Regulation, 2013 reads as follows::

“The Authority may admit the application / appeal for hearing without requiring the attendance of the applicant / appellant. However, the Authority shall not pass an order refusing admission of the applicant / appellant without giving the party concerned an opportunity of being heard. The Authority may, if it considers appropriate, issue notice to such person or persons, as it may desire to hear on the admission of applicant / appellant”.

Hence, the Authority conducted hearings with the Appellant on 05/03/2025, 12/03/2025 and 02/07/2025 on admissibility of the Appeal.

7. During the hearings, the Authority observed that the relevant Section of the MWRRA Act, 2005, under which the Appellant has approached this Authority is not mentioned. Adv. Abhishek Khare made his submission on admissibility of the Appeal under Section 22 (3) of the MWRRA Act, 2005. The Authority stated that the said Impugned Order is not an Order of Primary Dispute Resolution Officer (PDRO) as per Section 22 of the MWRRA Act, but a Minutes of the Meeting dated 16/02/2023 issued by the Superintending Engineer, Thane Irrigation Circle. During the hearing, Adv. Abhishek Khare submitted an Additional Affidavit dated 01/07/2025 and submitted that there was a precedent of this Authority taking matters related to billing specifically in Hindustan Coca-Cola Beverages Pvt. Ltd. under Case No. 22 of 2018.

8. Having heard the Advocate on the issue of admissibility, the observations of the Authority are as follows:

- a) Section 22 of MWRRA Act, 2005 reads as follow;

22. (1) The Government shall by general or special order issued in this behalf authorize any competent officer or officers for each River Basin Agency as Primary Dispute Resolution Officer, to resolve the disputes



with regard to the issuance or delivery of water Entitlement, under the Act.

(2) The Primary Dispute Resolution Officer shall follow such procedure as may be prescribed while hearing the disputes.

(3) Any person aggrieved by an order of the Primary Dispute Resolution Officer may, within sixty days from the receipt of such order, prefer an appeal to the Authority :

Provided that, the Authority may entertain an appeal after the expiry of the said period of sixty days if it is satisfied that the aggrieved person had sufficient cause for not preferring the appeal within the said period of sixty days

...

- b) It is important to note that the Appellant is challenging the Minutes of the Meeting dated 16/02/2023 issued by the Superintending Engineer, Thane Irrigation Circle, Thane. As per Section 22(1) of the MWRRA Act, 2005, the State Government vide Government Resolution dated 25/08/2009 had authorised the concerned Chief Engineer of River Basins to act as Primary Dispute Resolution Officer. However, it is observed that said Impugned Order is Minutes of the Meeting dated 16/02/2023 issued by the Superintending Engineer, Thane Irrigation Circle, Thane, rather than the Order of the Chief Engineer. Therefore, the present Appeal cannot be considered as an Appeal under Section 22 of the MWRRA Act 2005.
- c) Further, the Appeal is not about the Entitlement but about the billing of water charges, as it can be seen from the Appeal that the Appellant's actual utilisation is more than his entitlement.
- d) The then Authority admitted that matter under Case No. 22 of 2018 as per Para 15.0 of the MWRRA Bulk Water Tariff Order No. 01/2018 dated 11/01/2018, which came into effect from 01/02/2018. However, the current MWRRA Bulk Water Tariff Order, dated 29/03/2022, is in effect from 01/07/2022. Importantly, this Order does not include any provision for filing a petition with the Authority regarding difficulties related to the Bulk Water Tariff.



- e) Further, as per the Water Resources Department's Government Resolution dated 15/10/2024, the State Government has constituted a Dispute Resolution Mechanism to resolve disputes related to the levy of water charges. As per the said Government Resolution, there is no provision of filing an Appeal before this Authority.

ORDER

9. 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 the above observations of this Authority, hereby orders as under:
- 1) The Appeal under Case No. 02 of 2025 cannot be admitted and thus stands disposed off.
 - 2) The Appellant to follow the dispute resolution mechanism as prescribed in the Water Resources Department's Government Resolution dated 15/10/2024

Delivered on July 10, 2025.

Sd/-

Sd/-

(Shri. Rajendra Mohite)
Member (WRE)

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




(Mallikarjun Dharne)
Secretary, MWRRRA

