

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 अग्रंत महात्मव

ORDER NO 01/2026

In the matter of challenging the Primary Dispute Resolution Officer's Order dated 03/05/2023 regarding cancellation of lift permission given from Shetphal Tank

Smt. Rajshree A. Solankar and 7 others R/o Shetphal
Haveli, Tal : Indapur, Dist :Pune

In Case No. 01/2023

And

Shri. Shivaji S. Solankar and 13 others R/o Shetphal
Haveli, Tal : Indapur, Dist : Pune

In Case No. 03/2023

And

Smt. Swati Tanaji Zol and 2 others R/o Shetphal
Haveli, Tal : Indapur, Dist : Pune

In Case No. 04/2023

And

Shri. Shankar Nivrutti Shinde and 2 others R/o
Shetphal Haveli, Tal : Indapur, Dist : Pune

In Case No. 05/2023



And

Smt. Kusum Balaso Pawar and 6 others R/o Shetphal
Haveli, Tal : Indapur, Dist : Pune

In Case No. 01/2024

....Appellants

----Vs----

- 1) Kaleshwar Water User Association, Bawada, through Chairman, Shri. Mahadevrao Yadavrao Ghadge, Age: Adult, Occ : Agriculture, R/at Bawada, Taluka : Indapur, District :Pune.
- 2) Ajitdada Water Users Association, Vaki Wasti through Chairman, Shri. Harish Vasant Kotkar, Age: Adult, Occ: Agriculture, R/at VakilWasti, Taluka: Indapur, District: Pune.
- 3) Bawda 12 Phata Water User Association, 12 Phata, Bawada through Chairman, Smt. Lilawati Ajit Tilekar, Age: Adult, Occ : Agriculture, R/at Bawada, Taluka : Indapur, District : Pune
- 4) Shri. Swami Samarth Water User Association, Bawada through Chairman, Shri.Santosh Madhukarrao Patil, Age: Adult, Occ: Agriculture, R/at Bawada, Taluka: Indapur, District: Pune.
- 5) Sharad Water Users Association, Bawada through Chairman, Shri. Hanumant Eknath Mane, Age : Adult, Occ: Agriculture, R/at Bawada, Taluka : Indapur, District : Pune
- 6) Ajit Water User Association, through Chairman, Shri. Dashrath Shamrao Kokate, Age: Adult, Occ: Agriculture R/at Sarati, Taluka: Indapur, District: Pune.
- 7) Bhodni Water Users Association, Bhodni through Chairman, Shri. Shivaji Sadba Hange, Age: Adult, Occ: Agriculture, R/at Bhodni, Taluka Indapur, District: Pune.
- 8) Dattakrupa Water User Association, Nirnimgaon through Chairman, Shri. Dattatray Sopan Ghogare, Age: Adult, Occ : Agriculture, R/at NirNimgaon, Taluka: Indapur, District : Pune



- 9) Ajit Dattatray Tilekar, Age : Adult, Occ : Agriculture, R/at Bawda, Taluka : Indapur, District : Pune
- 10) Shri. Panditrao Vasantrao Patil, Age: Adult, Occ: Agriculture, R/at Bawda, Taluka: Indapur, District: Pune.
- 11) Secretary (WRM & CAD), Water Resources Department, Mantralaya, Madam Kama Road, Mumbai – 400 032.
- 12) Chief Engineer, Water Resources and Irrigation Department, Sinchan Bhavan, Baner Road, Mangalwar Peth, Pune - 411011.
- 13) Executive Engineer, Water Resources and Irrigation Department, Sinchan Bhavan, Baner Road, Mangalwar Peth, Pune - 411011.
- 14) Superintending Engineer, Water Resources and Irrigation Department, Sinchan Bhavan, Baner Road, Mangalwar Peth, Pune - 411011.
- 15) Sub Division Officer/Engineer, Irrigation Department of Nimgao Ketki, Taluka: Baramati, District: Pune - 413120.
- 16) Junior Engineer alias Officer, Irrigation Department, Bawada, Taluka : Indapur, District : Pune - 413103
- 17) Executive Director, Maharashtra Krishna Valley Development Corporation, Sinchan Bhavan, Barane Road, Mangalwar Peth, Pune 411011.

.....Respondents

Adv. K. D. Bhosale, Advocate for Appellants in Case No. 01/2023

Adv. Shekhar Jagtap along with Adv. Sairuchita R. Chowdhary, Advocate for Appellants in Case No. 03/2023 and 01/2024

Adv. Ranjeet H. Patil, Advocate for Appellants in Case No. 04/2023 and 05/2023

Adv. B. S. Shinde, Advocate representing Respondents Nos. 1 to 10

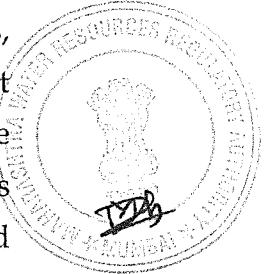
Adv. Shakuntala Wadekar, Advocate representing Respondents Nos. 11 to 17



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

Date: February 16, 2026

1. Smt. Rajshree A. Solankar and 7 others R/o Shetphal Haveli, Taluka Indapur, District Pune - Appellants (Original Respondent Nos. 27, 33, 35, 36, 37, 38, 46 and 47) have filed an Appeal dated 29/05/2023 under Section 22(3) of Maharashtra Water Resources Regulatory Authority (MWRRRA) Act, 2005. They have filed an Appeal, being aggrieved by Primary Dispute Resolution Officer's (PDRO) Order dated 03/05/2023 regarding cancellation of lift permission granted from Shetphal Tank, in Complaint Case Nos. 03/2017 and 03/2022. The Authority listed matter as Case No. 1 of 2023.
2. Appellants submitted that a Notification dated 28/05/2014 was issued for inviting applications from farmers for lifting water from Shetphal Tank under Drip Irrigation Policy for an 18.90-hectare area for a period of 18 years. Executive Engineer, Pune Irrigation Division, Pune - Respondent No. 13 vide its letter dated 03/06/2014 had stayed to said Notification which was vacated by its letter dated 30/09/2014. Ajit Dattatray Tilekar - Respondent No. 9 and Dattakrupa Water User Association - Respondent No. 8, through its Chairman, made a Complaint Application dated 09/03/2017 to the Authority regarding permissions not to be granted to 115 farmers. The Authority, vide letter dated 23/03/2017, directed them to first file an appeal before PDRO. Accordingly, Respondent Nos. 8 and 9 filed a Dispute Application on 24/07/2017 before PDRO.
3. Appellants further submitted that after hearing submissions of parties, PDRO, vide Order dated 18/06/2018, directed that granting lift permissions from Shetphal Tank is a policy matter and thus, the proposal needs to be submitted to State Government. Earlier, ten farmers other than Appellants had already been granted permissions whose land



comes within command area of Nira Left Bank Canal (NLBC), covering 12.60 hectares. These permissions were approved by State Government as per Hon'ble High Court Order dated 28/01/1999 in WP 4198 of 1998. There is an about 157.09 hectare overlapping area which is in command of Shetphal Tank irrigated by lift permission from Bhima or Nira River, and concerned authorities have not taken any decision to exclude said area from command of NLBC through Shetphal Tank. Out of 9 Water Users Associations (WUA) - Respondent No. 1 to 9, only one WUA is functional. Members of these WUAs have independently obtained lift permissions from Bhima or Nira River.

4. Appellants further submitted that as per directions of PDRO dated 18/06/2018, Water Resources Department (WRD), vide its letter dated 28/05/2019, directed that Executive Director, Maharashtra Krishna Valley Development Corporation (MKVDC), Pune - Respondent No. 17, is authorized to grant lift permissions from Shetphal Tank for 37.80 ha area. The Permissions are to be given in accordance with provisions of Government Resolution (GR) dated 21/11/2002 and after following verification of farmers' eligibility. Subsequently, Respondent No. 17, vide its letter dated 19/06/2019, instructed Chief Engineer, WRD, Pune - Respondent No. 12, who in turn directed Superintending Engineer, Pune Irrigation Circle, Pune - Respondent No. 14, vide its letter dated 25/06/2019, to take necessary action in the matter as he is empowered to grant lift permissions. Accordingly, Respondent No. 14, vide its letter dated 26/06/2019, to Executive Engineer, Pune Irrigation Division, Pune - Respondent No. 13 granted 48 eligible farmers permission to lift water from Shetphal Tank as per GR dated 21/11/2002. Accordingly, Respondent No. 13 has issued lift permissions to Appellants in September 2019. Also, Appellants are Project Affected Persons (PAPs) whose land comes under command area of Shetphal Tank and it is not irrigable by canal distributaries.
5. Appellants further submitted that PDRO, while issuing Order dated 18/06/2018, did not cancel earlier lift permissions granted to 10 farmers and thus PDRO has no right to cancel lift permissions granted to Appellants. Respondent No. 1 - 9 being aggrieved by letter of



Respondent No. 14 dated 26/06/2019, had filed an Appeal before MWRRA. Upon hearing all parties, MWRRA, vide its Order dated 24/06/2022, remanded the matter back to PDRO. Accordingly, Respondent Nos. 1 - 10 filed Dispute / Complaint Application before the PDRO. After hearing parties in litigation and affidavits filed, PDRO ordered to cancel the lift permissions granted to 44 farmers, including present Applicants by its Order dated 03/05/2023. PDRO observed that PDRO was not informed about lift permissions, no new notification was issued in Year 2019 for lift permissions from Shetphal Tank, and a fresh procedure was to be adopted for granting lift permissions as per directions given in WRD's letter dated 28/05/2019. PDRO's Order did not specify on which basis Applicants were not eligible for lift permissions.

6. Appellants further submitted that after issuance of PDRO's Order dated 03/05/2023, Field Officer issued notices to Appellants to close lift irrigation scheme. However, based upon lift permissions granted, Appellants have incurred huge expenses for lift irrigation schemes infrastructure, paid water charges and electricity bills. If the schemes are closed, Appellants would suffer an irreparable loss and *prima facie* they have rights to lift water from Shetphal Tank. Respondents Nos. 1 to 10 did not take water from Shetphal Tank and land of some members of Respondents Nos. 1 to 10 falls in command of NLBC. There exists an overlapping area of 83.20 hectares in command of NLBC for which lift permissions from Bhima or Nira River were given. Therefore, Respondent Nos. 1 to 10 have no locus and they do not suffer any loss or gain on cancellation of lift permissions granted to Appellants. Respondents No. 11 to 17's action of regarding cancellation of lift permission is illegal and invalid.
7. Appellant filed this Appeal under various grounds viz. provision of law & equity under Constitution of India, *locus standii* of Respondent No. 1 to 10 as they are not villagers of Shetphal and they have no right in 14% water quota fixed for lift permissions on basis of Drip Irrigation Scheme. Also, Impugned Order is challenged under grounds that PDRO have not considered Appellants as PAPs, not cancelled earlier permissions given



to 10 farmers similar to Appellant's case, not excluded overlapping area of Shetphal Tank. Appellants also challenged impugned Order on the grounds that PDRO considers 18 years lift permissions as temporary, huge expenses incurred become futile, not stating non-eligibility of Applicants and not considering fact that Appellant's lands were not irrigable by NLBC.

8. Therefore, Appellants in Case No. 1 of 2023 prays that;
 - a) *The Hon'ble Authority be pleased to call for the record and proceedings in Complaint Case No. 3/2017 and 3/2022 from the P.D.R.O., alias the Chief Engineer (S.P.), Water Resources Department, Sinchan Bhavan, Mangalwar Peth, Pune - 411011.*
 - b) *The Hon'ble Authority be pleased to allow the appeal and quash and set aside the common order dated 03-05-2023 in Complaint No. 3/2017 and 3/2022 passed by the P.D.R.O., alias Chief Engineer (S.P.), Water Resources Department, Pune.*
 - c) *The Hon'ble Authority be pleased to stay the common order dated 03-05-2023 in Complaint No. 3/2017 and 3/2022 passed by the P.D.R.O., Pune.*
 - d) *The Hon'ble Authority be pleased to grant interim/ad-interim relief in terms of prayer clause (c) above during the pendency of the appeal.*
 - e) *The Hon'ble Authority be pleased to grant the costs of this appeal to the present Appellants.*
 - f) *Any other order as the Hon'ble Authority may deem fit be passed in the interest of justice in favour of the present Appellants.*
9. After filing of above Appeal, Shri. Shivaji Sukhdev Solankar and 13 others R/o Shetphal Haveli, Taluka Indapur, District Pune - Appellants (Original Respondent Nos. 11, 16, 17, 24, 19, 13, 22, 23, 28, 25, 26, 12, 20 and 15) have filed an Appeal dated 02/06/2023 under section 22(3) of MWRRA Act, 2005. They have filed an Appeal, being aggrieved by PDRO's Order dated 03/05/2023. The Authority listed matter as Case No. 3 of 2023.

In addition to the contentions raised in Case No. 1 of 2023, Appellants in this matter raised additional issues. Appellants submitted that Shetphal



Tank was constructed by British Government and is under the command of the NLBC of Veer Dam. But, there is insufficient water available in Dam to supply water to entire command, and village Shetphal is at tail end of NLBC. Due to the wrong construction of outlets, water cannot reach to fields of Respondents. Further, the Hon'ble High Court at Bombay in Writ Petition No. 2786/1998, vide Order dated 28/01/1999, directed to distribute water of Shetphal Tank as per Notification dated 10/07/1998 after considering all technical aspects. As Applicants are PAPs, they have made an application as per said Hon'ble High Court's Order.

11. Appellants further submitted that PDRO's Order dated 03/05/2023 has been passed without documentary evidence placed on record, non-application of mind, and it is a vague & erroneous Order. As Applicant's land is classified as 'Udfa', Applicants are entitled to get water as per Notification dated 28/05/2014 and letter of Respondent No. 14 dated 26/06/2019. PDRO has made incorrect observation that he was not aware of lift sanctions as he being a Government representative. PDRO ought to have appreciated that it is the duty of WRD to repair channels, and the burden of the same cannot be put on Applicants. If Appellant's permissions cancelled then Appellants would not be in position to repay loan and their lands would remain barren. Respondent's case filed before PDRO has no specific prayer to challenge the Permission dated 28/05/2019, and PDRO has no jurisdiction to entertain the case filed by Respondents.
12. Therefore, Appellants in Case No. 3 of 2023 prays that;
 - A. *The Hon'ble Authority may kindly call for the records of the Complaint applications No. 3 of 2017 and 3 of 2022 before the Learned PDRO;*
 - B. *The Hon'ble Authority may kindly quash and set aside the Order dated 03.05.2023 passed by the Learned PDRO in Complaint applications No. 3 of 2017 and 3 of 2022 to the extent to the Appellants, thereby dismissing the Complaint applications No. 3 of 2017 and 3 of 2022;*
 - C. *Pending the hearing and final disposal of this Appeal this Hon'ble Authority may kindly stay the effect, execution and operation of the impugned order qua the Appellants;*



D. That the costs for the present appeal be granted;

E. Ad-interim and interim relief in terms of prayer clause (A) to (C) above;

F. Any other or further orders as this Hon'ble Court may deem fit and proper pleased to pass in the peculiar facts and circumstances of the case.

13. After filing of above Appeals, Smt. Swati Tanaji Zol and 2 others R/o Shetphal Haveli, Taluka Indapur, District Pune - Appellants (Original Respondent Nos. 30, 53, and 54) have filed an Appeal dated 28/06/2023 under Section 22(3) of MWRRA Act, 2005. They have filed an Appeal, being aggrieved by PDRO's Order dated 03/05/2023. The Authority listed matter as Case No. 4 of 2023.

14. In addition to the contentions raised in Case No. 1 of 2023, Appellants in this matter raised additional issues. Appellants submitted that they are totally dependent on Shetphal Tank for agricultural water purposes, and there was no other water source for them. Appellants are PAPs and still have not gotten water from Shetphal Tank. Therefore, they approached the Hon'ble High Court at Bombay through Writ Petition No. 4198/1998. Hon'ble High Court, vide Order dated 28/01/1999, directed Competent Authority and State Government to consider the representation for equal distribution of water. Accordingly, initially vide Notification dated 27/02/2001 and thereafter secondly, vide Notification dated 03/05/2014, applications were invited for lift permission from Shetphal Tank.

15. Appellants further submitted that lift permissions were granted to 48 farmers vide Order dated 26/06/2019, which was challenged before this Authority. As there was no stay to the Order dated 26/06/2019, Appellants went ahead with permissions and spent a substantial amount on lifting water. Further, PDRO has failed to consider about overlapping command of NLBC irrigated by lifting water from Bhima River, and the notifications of 2001 & 2014 were not revoked. Appellants have fulfilled all criteria, terms, and conditions of lift permissions. Appellants' field is located at the end of Gate No. 7 of Avasari Branch, but Avasari Branch from Gate No. 6 onwards has closed permanently as the same area is irrigated by Bhima River lift irrigation.

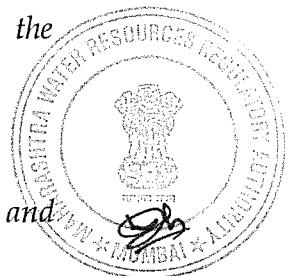


16. Therefore, Appellants in Case No. 4 of 2023 prays that;

- a) *Record and Proceedings may be called for,*
- b) *That the impugned Order dated 3/5/2023 passed by the Ld. P.D. R. O. Pune may be quashed and set aside and continue the permissions order dated 9/9/2019 for appellant no. 1 and 2 and 11/9/2019 for appellant no. 3.*
- c) *Pending the hearing and final disposal of this appeal order dated 3/5/2023 passed by the LD. P.D.R.O Pune may be stayed and continue the permission order dated 9/9/2019 for appellant no. 1 and 2 and 11/9/2019 for appellant no. 3.*
- d) *ad-interim relief in terms of Prayer Clause (c)*
- e) *Any other order may be passed in favour of Appellants in the facts and circumstances of the present case*

17. After filing of above Appeals, Shri. Shankar Nivrutti Shinde and 2 others R/o Shetphal Haveli, Taluka Indapur, District Pune - Appellants (Original Respondent Nos. 50, 43, and 49) have filed an Appeal dated 27/06/2023 under Section 22(3) of MWRRA Act, 2005. They have filed an Appeal, being aggrieved by PDRO's Order dated 03/05/2023. The Authority listed matter as Case No. 5 of 2023. In addition to the contentions raised in Case No. 4 of 2023, Appellants submitted that Appellants are fighting for their rights since 1987 and Appellants' field is located at Lakhewadi branch which is damaged permanently. Thus, Appellants required lift permissions from Shetphal Tank. Therefore, Appellants in Case No. 5 of 2023 prays that;

- a) *Record the proceedings may be called for,*
- b) *That the impugned order dated 3/5/2023 passed by the Ld. P.D.R.O Pune may be quashed and set aside and continue the permissions order dated 11/9/2019 for appellants.*
- c) *Pending the hearing and final disposal of the appeal order dated 3/5/2023 passed by the LD. P.D.R.O. Pune may be stayed and continue the permission order dated 11/9/2019 for Appellants.*
- d) *ad-interim relief in terms of prayer Clause (c).*
- e) *Any other order may be passed in favour Appellants in the facts and circumstances of the present case.*



18. As subject matter and prayers of Case No. 1 of 2023, 3 of 2023, 4 of 2023, and 5 of 2023 are similar, the Authority decided to tag these matters together. The Authority, vide letter dated 03/08/2023, directed Respondents to file an Affidavit in Reply. Accordingly, Kaleshwar Water User Association - Respondent No. 1 filed a common Affidavit in Reply dated 29/09/2023 in all the above cases and submitted that Respondent Nos. 1 to 8 are WUAs in Shetphal Tank having 3574.12 hectares of area in 10 villages. Respondents received information that 115 people applied for lift permission from Shetphal Tank. If permissions were granted, it would create huge caves in Shetphal Tank, and water would not be distributed equally to all farmers. Out of 115 people, some of them are not PAPs and lands of some of them are already irrigated through Shetphal Tank. Therefore, Respondents have filed their objections before the concerned authorities on 04/03/2017.

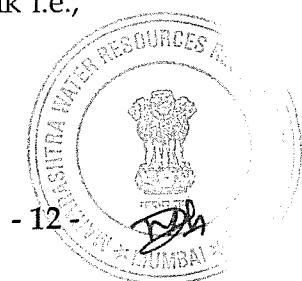
19. Respondent No. 1 further submitted that WRD Officials vide Notification dated 28/05/2014, invited applications for lift permission, which was stayed due to farmer's objection by Order dated 03/06/2014. Respondents have also filed an Appeal before this Authority for not granting lift permission to 115 people, but the Authority, vide letter dated 23/03/2017, directed them to file an Appeal before PDRO first. Accordingly, Respondents filed a case before PDRO and directed during hearing on 29/08/2017 to WRD Officers to submit a report on present matter related to Shetphal Tank, which was not submitted to date. PDRO, vide Order dated 18/06/2018, observed that there is no specific provision to grant lift permissions from Shetphal Tank in Notification dated 21/11/2002. Out of 115 applicants, 111 applicants' field comes under command of Shetphal Tank, and out of those, 10 farmers were granted illegal lift permissions by the Government. Due to PDRO's above Order, Respondents filed a Representation cum Application to concerned Ministers and Secretaries for not granting lift permissions to 115 people.

20. Respondent No. 1 further submitted that thereafter, State Government directed MKVDC, Pune, who has further directed to Chief Engineer, WRD, Pune, to take a decision on granting lift permissions after



verifying Applicant's eligibility criteria for 37.80 hectare area. Then, Chief Engineer, vide letter dated 25/06/2019, directed Superintending Engineer, Pune Irrigation Circle, Pune - Respondent No. 14, that he is competent authority to take a decision in the matter. Accordingly, Respondent No. 14 granted lift permissions to 48 applicants without giving any hearing to present Respondents on 26/06/2019, and concerned Executive Engineer issued water permits to 48 applicants in September 2019 for 18 years validity or till repairs of distributaries and channels are completed. Being aggrieved by this, Respondents filed an Appeal before this Authority. After hearing both parties, the Authority declined to grant a stay and also made it clear that if Farmers will be at their risk for any investment for water lifting or anything done pursuant to thereof, shall be subject to the decision and final disposal of appeal. The Authority, by an Order dated 24/06/2022, remanded said appeal to PDRO as the matter before him is not disposed off.

21. Respondent No. 1 further submitted that PDRO has correctly cancelled 44 out of 48 lift permissions by Order dated 03/05/2023. Shetphal Tank's water should be distributed to WUAs and all farmers of village through canal. As Appellant's land is irrigated through Avasari Branch of NLBC, they are not eligible for lift irrigation. As per Maharashtra Irrigation Act, 1976, land holder in the command of a canal / tank should take water by gravity flow and without lifting. Thus, lift permissions, given with condition that till channels are repaired, are baseless and not maintainable as per law. Even, PDRO in his Order dated 18/06/2018, mentioned that there is no law or practice to give lift permissions to land holders under command of canal. Rehabilitation certificates' validity is not verified, and some of them are bogus. If lift permissions were granted, it would create discrimination between canal irrigation farmers & WUAs, and they would use water excessively. Earlier, farmers, to whom lift permission was granted, used excessive water from Shetphal Tank by using high-power motors rather than as permitted. Further, Government Resolution 21/11/2002 is not applicable in the present matter as it is applicable to dams and rivers and not to feeding tank i.e., Shetphal Tank.



22. Respondent No. 1 further submitted that Shri. Balasaheb Jivaba Kargal filed Writ Petition No. 4701 of 2016 challenging earlier lift permission, but in present matter, he is demanding lift permission. Out of 9 WUAs registered as per law, only one is functioning. The remaining 8 WUAs demanded to fix their water quota and handover function to WUAs, but WRD has not done it. Appellants alleged that some Co-operative Water Sanstha, whose land comes under Shetphal Tank, lifts water from Bhima River, but said Sanstha are closed. WRD has given notices to 16 personnel who have violated the conditions of lift permissions. PDRO has rightfully passed an Order dated 03/05/2023 regarding the cancellation of 44 lift permissions. New Notification for allotting lift permission needs to be issued as the 2014 Notification is not in existence as per WRD's letter dated 28/05/2019. Thus, all 48 lift permissions are illegal and need to be set aside. Therefore, no relief is granted to Appellants.

23. The Authority conducted first hearing in the matter on 02/11/2023 and directed that Respondent Nos. 1 to 10 should file an Affidavit on the status of the WUAs including area delineation notifications under Section 5 of the Maharashtra Management of Irrigation System by Farmers (MMISF) Act, 2005 issued in this regards. The Authority also directed that Respondent Nos. 11 to 17 should file an Affidavit in Reply stating time bound program for repair of field channels. The Authority also directed Respondent Nos. 11 to 17 not to take any coercive action at this stage as agreed by them. As per request of Respondent Nos. 11 to 17, the Authority adjourned the hearings in the matter.

24. Accordingly, Respondent No. 1 filed an Additional Affidavit in Reply dated 03/01/2024 and submitted that there are 9 WUAs are registered under Section 8(a) of MMISF Act, 2005 and certificates issued accordingly. Out of 9 WUAs, one WUA is in function and members of other 8 WUAs irrigating land through canal/patha. State Government has given quota and not handed over area to other 8 WUAs. Thereafter, Smt. Kusum Balaso Pawar and 6 others R/o Shetphal Haveli, Taluka Indapur, District Pune - Appellants (Original Respondent Nos. 31, 32, 34, 39, 41, 42 and 48) have filed an Appeal dated 01/02/2024 under Section



22(3) of MWRRA Act, 2005, being aggrieved by PDRO's Order dated 03/05/2023. The Authority listed matter as Case No. 1 of 2024. The Appellants submitted similar contentions as raised in Case No. 3 of 2023 and prays that;

- a) *Present appeal be allowed.*
- b) *Order dated 3/5/2023 passed by PDRO in Complaint No. 3/2017 and 3/2022 to the extent of appellants may be quashed and set aside and complaint No. 3/2017 and 3/2022 be dismissed.*
- c) *Cost of the present appeal be awarded to the appellants from respondents No. 1 to 10.*
- d) *Pending hearing and final disposal of present application implementation and execution of impugned order be stayed.*
- e) *Any other just and equitable order not specifically for be granted in favor of appellants in the interest of justice.*

25. As subject matter and prayers of Case No. 1 of 2024, the Authority decided to tag this matter with Case No. 1 of 2023, 3 of 2023, 4 of 2023, and 5 of 2023. As per the Authority's directions, Respondent Nos. 11 - 17 filed an Affidavit in Reply dated 01/03/2024 and submitted that Shetphal Medium Tank Project was constructed in 1901, having a storage capacity of 620 Mcft with an irrigable command area of 1920 ha and 20 Km canal length. There are 9 WUAs, of which only one is functional. Every year, Tank is filled with additional water available when Veer dam overflows in monsoon season through NLBC after fulfilling irrigation needs of NLBC. Hon'ble High Court at Bombay, vide its Order dated 28/01/1999 in WP 4198/1998, directed State Government to consider Shetphal villagers' claim for equitable distribution of water on receiving appropriate representation. Accordingly, as per provisions in GR dated 21/11/2002, Executive Engineer, Pune Irrigation Division, Pune, has given lift permissions for 12.60 ha out of 50.41 ha.

26. Respondent Nos. 11 - 17 further submitted that, as per lift permissions demands for balance area, a Public Notification dated 28/05/2014 was issued for inviting applications who shall not be in command of NLBC or Shetphal Canal, and demand shall be for the UDAFA area. However,



some farmers approached PDRO against this with contention that it will reduce water availability to Shetphal Command area. PDRO, vide Order dated 18/06/2018, directed parties to approach State Government as it is a policy matter. Accordingly, ED, MKVDC, Pune approached State Government by letter dated 05/03/2019, who vide letter dated 28/05/2019 directed ED, MKVDC, Pune to issue permissions as per GR dated 21/11/2002. Thereafter, Respondent No. 14 scrutinised the applications and found 48 applications eligible for lift permissions. Out of 48 applications, 4 applicants are out of command area of NLBC, while 44 applicants are within command area of NLBC, of which some fall under the UDAFA area of NLBC. Lift permissions were granted with conditions and as per GR dated 21/11/2002.

27. Respondent Nos. 11 - 17 further submitted that, water quota will be in operation only when project has 100% live storage. If due to less water availability or water reserved for non-irrigation, scarcity, or other reasons, water quota is reduced, and then no farmers will be permitted to lift water. Only 15 out of 48 farmers have commissioned water lifting on Shetphal Dam to date, and out of these, 5 are in operation and pay water charges for the same. 44 out of 48 lift permissions are not getting water due to poor channel conditions in Command / UDAFA area. As per GR dated 21/11/2002, a total area of 50.41 ha is permissible area for lift permission, of which 18.90 ha area, 48 lift permissions were given by Notification dated 28/05/2014. An area of 83.20 ha in command of Shetphal Tank irrigated by lift permission given from K. T. weirs on Bhima and Nira River. A proposal to de-notify this area was submitted to State Government. As per this Authority's Order dated 18/09/2019, the risk and cost of entire permissions is to be taken care of by beneficiary farmers. In view of above, Appeal may be disposed off.
28. The Authority scheduled hearing in the matter, which was adjourned as per request of Respondent Nos. 11 - 17. The Authority conducted 2nd hearing in the matter 08/08/2024 and directed Respondent Nos. 11 - 17 to submit planning and status report of program of repairs work. Accordingly, Respondent Nos. 11 - 17 filed an Additional Affidavit in Reply dated 29/01/2025 and submitted that it is planned to complete



repair of field channels of Dy. No. 59 of NLBC in one and half year. A Committee is formed at field level and they have submitted its report on present status of physical condition of field channels in command area of Dy. No. 59 of NLBC.

29. As per Authority's directions, Appellant in Case No. 4/2023 filed a Rejoinder dated 21/04/2025 on Respondent Nos. 11 - 17's Additional Affidavit in Reply and submitted that Appellants fulfilled the condition of advertisement for lift permission. As per same position and same criteria, some agriculturists are permitted to lift water as per Advertisement No. 17 of 2014. PDRO failed to consider that permission granted to an every individual is on different footing and different criteria. As per Affidavit filed by Executive Engineer, Awasari Branch of NLBC closed at Gate No. 6 and even if canal repaired, water cannot pass after Gate No. 6. As Appellant's land at Gate No. 7, they could not get water from canal and there is no option to irrigate land except water lifting. Appellants are poor agriculturist and incurred huge expenditure for water lifting and therefore Appellants are totally depending upon water lifting.
30. The Authority conducted 3rd and final hearing in the matter on 07/10/2025. During the hearing, the Authority, after hearing both parties in the litigation, directed them to submit written arguments within two weeks, and the matter is now closed for Order. However, even after four weeks' time, none of the parties in litigation had given written arguments / submissions.

OBSERVATIONS / FINDINGS OF THE AUTHORITY

31. After giving due consideration to the pleadings, submissions and evidence on record, the observations / findings of this Authority are as under:-
 - a) There are nine WUAs registered under Section 8(a) of the MMISF Act, 2005. Certificates were issued to them in July 2007. Out of these nine WUAs, one is functional. Therefore, the State Government is



obligated to supply water at the minor head to these WUAs as per their entitlement. The area should be handed over to them accordingly.

b) The term “Entitlement” as defined in MWRRA Act, 2005 reads as follows;

“Entitlement” means any authorization by any River Basin Agency to use the water for the purposes of this Act;

c) WRD, in a letter dated 28/05/2019, states that Shetpal Tank is at the tail end of NLBC and has the least water yield of its own. As it is part of NLBC, the provisions of the GR dated 21/11/2002 are applicable to Shetphal Tank. However, Respondent Nos. 11 - 17's Affidavit in reply dated 01/03/2024 states that Shetphal Tank is filled when additional water is available in Veer Dam during its overflow in the monsoon, after the needs of NLBC are met. If Shetphal Tank is part of NLBC, then State Government should have made provisions for Shetphal Tank in NLBC's water planning.

d) WRD, vide letter dated 28/05/2019, has further directed MKVDC, Pune, to grant lift permissions to eligible applicants after checking their applicability as per WRD GR dated 21/11/2002. Accordingly, Respondent No. 14, vide letter dated 26/06/2019, granted 48 eligible farmers permission to lift water from Shetphal Tank on the basis of GR dated 21/11/2002. However, there is no clarity about entitlement of above WUAs, and no Orders are issued regarding changes in entitlement of WUAs after giving lift permissions.

e) Executive Engineer, Pune Irrigation Division, Pune - Respondent No. 13 vide Notification dated 28/05/2014 invited applications from eligible farmers for lifting water from Shetphal Tank. The main eligibility criteria read as follows;

9) सदर अर्जदार ज्या लाभक्षेत्रासाठी पाणी परवानगी अर्ज सादर करु इच्छितो, ते क्षेत्र निरा डावा कालव्याच्या अगर शेटफळ कालव्याच्या लाभक्षेत्रातील (प्रवाही सिंचन पद्धतीने भिजणारे) क्षेत्र नसावे.



- f) Superintending Engineer, Pune Irrigation Circle, Pune - Respondent No. 14, letter dated 26/06/2019, granted lift permissions to 48 eligible farmers. However, Respondent No. 14 has also categorically mentioned that 44 Applicants are from command of NLBC.
- g) PDRO, in its Order dated 03/05/2023, identified shortcomings in the actions taken regarding this matter and noted discrepancies between the eligibility criteria specified in said Notification and the eligibility of actual lift permission holders. Therefore, it is evident that 44 applicants are not eligible, and PDRO's Order dated 03/05/2023 should be upheld.
- h) An overlapping command area of 83.20 hectares exists in the Shetphal Tank, which is irrigated by lift permissions granted from K. T. weirs on the Bhima and Nira Rivers. The State Government is required to resolve this issue, and it should be taken into account when determining entitlements for Water User Associations (WUAs) and the granting of lift permissions.
- i) As per Affidavit of Respondent Nos. 11 - 17, it can be seen that only 5 lift permissions are in operation. Therefore, as per terms and conditions No. 7 of lift permissions given in September 2009, those lift schemes are not commenced should be cancelled.

ORDER

32. 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, this Authority hereby orders as under:

- a) Respondent Nos. 11 - 17 should make sure that all WUAs of Shetphal Tank Project are functioning, and management of that area is handed over to the concerned WUAs.
- b) Respondent Nos. 11 - 17 should make sure that the repair of the field channels of Dy. No. 59 of NLBC should be completed within one and a half years, as proposed by them.



- c) The lift permissions given to those 44 applicants, who are in the command of NLBC, are not eligible as per Notification dated 28/05/2014. Hence, 44 lift permissions given as per Respondent No. 14's letter dated 26/06/2019 are void-ab-initio.
- d) State Government should decide on overlapping area of Shetphal Tank Project, which is also irrigated by lift permission given from K. T. weirs on Bhima and Nira Rivers within six months.
- e) As per the direction of Primary Dispute Resolution Officer's Order dated 03/05/2023, a fresh notification should be issued for inviting applications for lift permissions.
- f) In view of above Observations / Findings of the Authority, Appellants prayer regarding quashing and setting aside Primary Dispute Resolution Officer's Order dated 03/05/2023 is rejected.
- g) The matters under Case Nos. 1 of 2023, 3 of 2023, 4 of 2023, 5 of 2023, and 1 of 2024 are disposed off with no order as to the costs.

Delivered on February 16, 2026.

Sd/-

Sd/-

(Shri. Rajendra Mohite)
Member (WRE)

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

