



महाराष्ट्र जलसंपत्ती नियमन प्राधिकरण

Maharashtra Water Resources Regulatory Authority
(MWRRA)

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No./MWRRA 2017/HCPIL No.18/387

July 24, 2017

To,

The Municipal Commissioner
Municipal Corporation of Greater Mumbai,
Opp.C.S.T.,
Mumbai – 400 001.

Subj : High Court O.O.C.J. PIL (Lodging) No. 18/2017 Mr. Milind Yavatkar
Vs. The State of Maharashtra & Ors.

- Ref :** 1. Letter No. CGWB/CR/ Authority / NGT/ SKD-840 dt. 08/06/2017
2. Government Pleader, High Court, Mumbai's Letter No. ALP/9154 dated 01/06/2017
3. Letter of Govt. Pleader, High Court, Mumbai No. ALP/1110 dated 03/07/2017

Sir,

Shri. Suresh Kumar Pukharji Dhoka (Mumbai) has written to various authorities of Government / Semi- Government bodies and also submitted a petition to National Green Tribunal (WZ) Bench, Pune, regarding unauthorized extraction of groundwater from bore-wells and its sale for drinking purpose from the Pandya Mansion building at Kalbadevi, Mumbai. The said groundwater is reportedly of non-potable quality. Hon'ble NGT has issued order dated 02/03/2017 penalizing and restraining the Respondent No. 1 to 4 (Pandya) from abstracting the groundwater.

The Regional Office of the Central Ground Water Board (CGWB), Nagpur vide its letter under reference 1 has written to MCGM (copied to MWRRA) that the Respondents are still withdrawing groundwater without obtaining permission /NOC from the concerned Authorities. The MCGM is expected to take appropriate action in this regard.

In other similar case, a petition regarding unauthorized extraction and unregulated supply of groundwater has been submitted to HC, Mumbai by Mr. Milind Yavatkar vide reference 2. The Hon'ble Chief Justice, Mumbai High Court has specifically queried about policy to control and regulate the extraction and unregulated supply of groundwater in the matter.

You may be aware that Maharashtra Groundwater (Development & Management) Act, 2009 was enacted and became effective since June 1, 2014 and MWRRRA has been designated as the State Groundwater Authority. As per Section 46 of the Act, ULBs (which includes MCGM as per the definition under Section 2) are required to keep groundwater account and water budget for the area (under their jurisdiction) while according sanctions to drill bore-wells and tube-wells. ULBs can avail technical advice of Groundwater Survey and Development Agency (GSDA), Pune to protect Safe Watershed Status. Apart from restraining from abstracting groundwater, this protection can also be achieved through plot area Rain Water Harvesting (RWH) and Rooftop RWH within the provisions of Section 9 (7) and Section 9 (8) which are particularly related to ULBs.

As per Section 17 of the said Act, the State Government through its gazette dated 26/06/2015 has appointed District Authorities for 34 districts of the State excluding Mumbai and Mumbai suburb districts. The District Authorities are empowered to regulate excessive pumping of groundwater and to protect public drinking water source. As presently there is no District Authority appointed under the Groundwater Act, MWRRRA has written to the Government (WS & SD) to appoint District Authority for Mumbai and Mumbai suburb (copy enclosed) at the earliest.

With the above background and in the meanwhile, kindly ensure appropriate control / prohibition of illegal extraction of groundwater and its sale for drinking and other uses by the aforesaid Respondents, as per the prevailing policy framework of the MCGM. Action taken in this regard may please be communicated to this office.