

**Minutes of 53<sup>rd</sup> Meeting of Punjab Water Regulation and Development Authority held on 07.09.2022 at 3.00 PM in the Committee Room under the Chairmanship of Sh. Karan Avtar Singh, Chairperson.**

**Present: Mr Sushil Gupta Member and Dr S.S. Kukal Member.**

**In attendance: Mr J.K. Jain Additional Secretary.**

**Item No. 53.01: Confirmation of the Minutes of 52<sup>nd</sup> Meeting of PWRDA.**

The Minutes of 52<sup>nd</sup> meeting held on 30.08.2022 was circulated to all concerned. No comments received. May be confirmed.

**Decision:** *Confirmed.*

**Item No. 53.02: Action Taken Report:**

Action Taken Report on the decisions taken in 52<sup>nd</sup> Meeting of the Authority is as under:

*Item No 52.03: Ratification of Decision regarding Authority Fund Fixed Deposited in August 2022.*

No further action is required.

*Item No.52.04: Recruitment for One post of Administrative Officer.*

Please see item no. 53.03.

*Item No.52.05: Recruitment for the posts of Private Secretary.*

Please see item no. 53.04.

*Item No. 52.06: Recruitment for the Post of Technical Manager Agriculture.*

Pending.

**Decision:** *Noted.*

**Item No.53.03: Recruitment for One post of Administrative Officer.**

This matter was placed before the Authority vide Item No. 52.04 (**Annexure A-1**) in its 52<sup>nd</sup> Meeting held on 30.08.2022 wherein it was decided that:

*“The first two candidates as per the order of the merit, namely Mr. Sanjeev Malhotra and Mr. Manoj Kumar be called for a brief interaction on 01/09/2022 at 11.00 am in the office of PWRDA.”*

Authority interacted with these two candidates namely Sh. Sanjeev Malhotra and Sh. Manoj Kumar on the said date and time.

Placed before the Authority for selection of most suitable candidate for one post of Administrative Officer.

**Decision:** *Authority interacted with the two candidates namely Sh. Sanjeev Malhotra and Sh. Manoj Kumar on 01/09/2022 and decided to appoint Mr. Sanjeev Malhotra as Administrative Officer. The selected candidate be offered appointment on contract initially for a period of one year (from the date of joining) at a fixed monthly remuneration of Rs. 50,000/- (fifty thousand only). The other terms and conditions of the contract will be same as approved by the Authority in the case of Senior Manager (Administration and Coordination). The second candidate in the order of merit namely Mr. Manoj Kumar be placed in the wait list which shall be valid for one year from today.*

**Item No.53.04: Recruitment for three posts of Private Secretary.**

This matter was placed before the Authority vide Item No. 52.05 (**Annexure A-2**) in its 52<sup>nd</sup> Meeting held on 30.08.2022 wherein it was decided that:

*“The first three candidates as per the order of the merit, namely Mr. Bhinder Singh Baidwan and Mrs. Kamlesh Kumari Joshi and Mrs. Anita Jain be called for a brief interaction on 01/09/2022 at 12.00 hrs in the office of PWRDA.”*

Authority interacted with these three candidates namely Sh. Bhinder Singh Baidwan, Smt. Kamlesh Kumari Joshi and Smt. Anita Jain on 01/09/2022 at 12.00 hrs in the office of the PWRDA.

Placed before the Authority for selection of suitable candidate for three posts of Private Secretary.

**Decision:** *Authority interacted with three candidates namely Sh. Bhinder Singh Baidwan, Smt. Kamlesh Kumari Joshi and Smt. Anita Jain on 01/09/2022 and approved the appointment of Sh. Bhinder Singh Baidwan, Smt. Kamlesh Kumari Joshi and Smt. Anita Jain as Private Secretary against the three posts of Private Secretaries. The selected candidates be offered appointment on contract initially for a period of one year (from the date of joining) at a fixed monthly remuneration of Rs. 45,000/- (forty-five thousand only). The other terms and conditions of their contract will be the same as approved by the Authority in the case of Senior Manager (Administration and Coordination).*

**Item No. 53.05: Punjab Directions for Groundwater Extraction and Conservation, 2022.**

The Authority approved the Punjab Directions for Ground Water Extraction & Conservation 2022, in its 30<sup>th</sup> meeting vide agenda item no 30.06. During discussions with software

development team of NIC and otherwise also, it was felt that some changes/modifications are required to make the Groundwater Directions clearer to further facilitate compliance thereof at the User end. Subsequently, the Authority discussed the Groundwater Directions on 29.08.2022, 01.09.2022, 05.09.2022 and 06.09.2022. Changes/ amendments suggested during discussions were incorporated and amended draft was emailed on 06.09.2022 to all concerned.

A copy of the same is placed at **Annexure-A3**.

Placed before Authority for consideration.

**Decision: The Authority:**

- a. *Approved the Punjab Directions for Groundwater Extraction and Conservation, 2022 with some changes as at Annexure M-53.05.01;*
- b. *Directed the Secretary to notify the Directions in the official Gazette of the State of Punjab.*
- c. *After notification in the Gazette the Directions shall be uploaded on the website of the PWRDA, and a notice for information of the general public shall be published in not less than two newspapers including at least one daily regional language newspaper having wide circulation in the State of Punjab in accordance with Section 15 (5) of the Act.*
- d. *After publication of the public notice, a copy of the Directions be sent to CGWA in response to their letters dated 02/11/2021 and 23/11/2021 as decided vide Resolution no. 36.03.*

**Item No. 53.06: Approval of Changes in Groundwater Charges under Section 17(5) of the Act.**

Authority proposed some changes in paragraph “**5.1 Groundwater Charges**” and paragraph “**5.2 Security Deposit**” of the Punjab Directions for Groundwater Extraction and Conservation, 2022 (Groundwater Directions) vide resolution no 44.04 and 50.06 respectively, to further rationalize the Ground Water Charges and to facilitate compliance thereof at the User end.

The proposal submitted to the Government vide letter no. 75340/PWRDA-PWRD0GENL/37/2021-PWRDABR/35170 dated 20.07.2022 for seeking approval of changes in Groundwater Charges under Section 17(5) of the Act is given below:

S.No.	Existing Provision	Changed Provision
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<p>1.</p>	<p><b>5.1 GROUNDWATER CHARGES</b></p> <p>A. A User shall pay all Groundwater Charges as applicable at all times for the extraction of groundwater or any activity connected therewith.</p>	<p><b>5.1 GROUNDWATER CHARGES</b></p> <p>A. A User shall pay all Groundwater Charges as applicable at all times for the extraction of groundwater or any activity connected therewith <i>but no charges shall be levied on extraction of ground water by an individual household exclusively for drinking and domestic use through non-energised means or through a pump of up to 2 HP capacity from a single tube-well in the household.</i></p> <p>B. <i>That where a Unit in the context of a Building or a Colony, extracts Ground Water for drinking and domestic use, then, such Unit shall be eligible for exemption of Ground Water Extraction Charges up to 30 Cubic Meters for each occupied individual household/dwelling unit/apartment per month in such building or colony.</i></p> <p><i>Explanation: A dwelling unit shall be considered to be Occupied only after the User submits a Completion Certificate issued by the competent Authority.</i></p> <p>C. <i>If such Unit extracts groundwater in excess of the exempted volume in any month, it shall pay Groundwater Extraction Charges for that excess volume of Groundwater Extracted for that month at the rate equal to the slab rate detailed in Table 5.1 corresponding to the Assessment Area (Block) where such a Unit is located.</i></p>
<p>2.</p>	<p><b>5.2 SECURITY DEPOSIT</b></p> <p>A. An amount equivalent to two months of the Groundwater Extraction Charges for the permitted volume of groundwater extraction by the Unit will be required to be paid in advance by the User as an interest-free Security Deposit along with the application.</p> <p><b>Explanation:</b> The Security Deposit will be calculated on the basis of the rate of Groundwater Extraction Charges (exclusive of water conservation credits) as applicable</p>	<p><b>5.2 SECURITY DEPOSIT</b></p> <p>A. An amount equivalent to <i>one month</i> of the Groundwater Extraction Charges for the permitted volume of groundwater extraction by the Unit will be required to be paid in advance by the User as an interest-free Security Deposit along with the application.</p> <p><i>Provided that for a User in the context of a Unit consisting of a Building or a Colony that extracts Groundwater for uses including drinking and domestic</i></p>

at the time of submitting the application. The Security Deposit shall not be reduced in case the Unit is eligible for any water conservation credits.

B. In case a User is given Permission for a lesser volume than the volume applied for, any additional payment made by the User on account of Security Deposit will be adjusted in future bills after retaining an amount equivalent to two months of the Charges for the permitted volume as Security Deposit.

C. The Security Deposit may be returned to the User after settling all accounts of the User and deducting any dues of the User if the Permission is refused or is cancelled by the Authority or is revoked at the request of the User.

D. When a User applies for renewal of Permission, it shall be required to pay the Security Deposit amount equivalent to two months of Groundwater Charges for the volume of groundwater extraction applied for, at the rates applicable at the time of submitting the application of renewal.

Provided that any balance, after deducting the dues (if any) out of Security Deposit previously deposited by the User, will be adjusted while calculating the amount of Security Deposit to be paid with the application for renewal of Permission.

E. For Users granted Ad-interim Permission their Security Deposit will be re-calculated as per the Charges in these Directions. In case of excess payment, the same will be adjusted in the future bills after deducting the dues (if any) and after retaining the amount equivalent to two months of the Charges for the permitted volume. In case of any shortfall, the User will be required to pay the additional Security Deposit.

*use, and is eligible for exemption of Groundwater Extraction Charges up to 30 Cubic Meters for each occupied individual household/dwelling unit/apartment per month, the Security Deposit shall be calculated on the reduced amount of groundwater charges as per provisions contained in para 5.1 above.*

**Explanation:** The Security Deposit will be calculated on the basis of the rate of Groundwater Extraction Charges (exclusive of water conservation credits) as applicable at the time of submitting the application. The Security Deposit shall not be reduced in case the Unit is eligible for any water conservation credits.

B. In case a User is given Permission for a lesser volume than the volume applied for, any additional payment made by the User on account of Security Deposit will be adjusted in future bills after retaining an amount equivalent to **one month** of the Charges for the permitted volume as Security Deposit.

C. The Security Deposit may be returned to the User after settling all accounts of the User and deducting any dues of the User if the Permission is refused or is cancelled by the Authority or is revoked at the request of the User.

D. When a User applies for renewal of Permission, it shall be required to pay the Security Deposit amount equivalent to **one month** of Groundwater Charges for the volume of groundwater extraction applied for, at the rates applicable at the time of submitting the application of renewal.

Provided that any balance, after deducting the dues (if any) out of Security Deposit previously deposited by the User, will be adjusted while calculating the amount of Security Deposit to be paid with the application for renewal of Permission.

E. For Users granted Ad-interim Permission their Security Deposit will be

		re-calculated as per the Charges in these Directions. In case of excess payment, the same will be adjusted in the future bills after deducting the dues (if any) and after retaining the amount equivalent to <b>one month</b> of the Charges for the permitted volume. In case of any shortfall, the User will be required to pay the additional Security Deposit.
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In this regard, Principal Secretary, Water Resources vide letter no. 11/21/2020-PJ-3/317 dated 02.08.2022 conveyed as under:

*"(i) As per Para 5.1, exemption has been given to all users having pump of up to 2 HP capacity irrespective of whether such a person has got regular water supply connection through any municipal committee or corporation or village panchayat or not.*

*(ii) Justification in respect of each para may kindly be given.*

*(iii) In para 5.2 the reduced amount may kindly be appropriately clarified so that it reflects the clear intention."*

The reply to this letter may be sent to the Government in accordance with the decision taken in agenda item 53.05.

Placed before the Authority for consideration.

**Decision:** *The Authority has approved vide its Resolution no. 53.05 the Punjab Directions for Groundwater Extraction and Conservation, 2022 retaining the rates of Groundwater Charges as approved by the Government of Punjab vide memo no. 11/21/2020PJ-3/616 dated 13/09/2021.*

*Since no change is required in the Groundwater Charges already approved by Government under Section 17(5) of the Act, therefore, the Authority decided to withdraw its reference made to the Government for seeking approval of certain changes in the Groundwater Charges vide letter no. 75340/PWRDA-PWRD0GENL/37/2021-PWRDA-BR/35170 dated 20/07/2022. Hence, Principal Secretary, Water Resources Department, Punjab be informed accordingly with reference to his letter no. 11/21/2020-PJ-3/317 dated 02.08.2022.*

**Item No. 53.07: Procedure for revocation of ad-interim Permission under Draft Guidelines, 2020.**

1. Some Units granted ad-interim Permission to extract Ground Water under Draft Guidelines 2020, have given request for surrendering of their ad-interim Permission and refund of

Advance deposited due to either closure of Unit or scrapping of the project. Two such units namely, John Deere (**Annexure A-4**) and CN IFFCO (**Annexure A-5**) while surrendering the Permission has requested for its revocation and refund of Advance deposit.

2. There is no clause in the Draft Guidelines 2020 for dealing with such cases. Whereas as in the Groundwater Directions 2022, the following provision is there:

**" 3.11 REVOCATION OF PERMISSION**

*The Authority may revoke a Permission on the request of the User (in proper application) if it is satisfied that permission is no longer required by the User."*

Further, the Security amount is defined in the Directions 2022 as below:

*"i) 'Security Deposit' means such refundable amount as fixed by the Authority to be deposited with the Authority by the User;"*

3. In view of the above, to deal with such applications, the following procedure is proposed:

- a. For revocation of ad-interim Permission, along with application, the User shall surrender the original Permission letter (if Permission already granted) to the Authority.
- b. Such applications will be received, dealt and decided at the same level as is done in the case of grant of ad-interim Permission.
- c. Report be sought from Billing Branch (Manager Accounts), regarding 'no dues.'
- d. The ad-interim Permission shall be revoked and conveyed to User with a copy to Manager Accounts.
- e. Manager Accounts shall make payment of the advance deposit after adjusting the dues, if any to such User by online transfer to the bank account available on record. The User shall be informed of such adjustments
- f. Following clause may be added to the revocation order in case of existing Units:  
*'The Revocation of the ad-interim Permission is subject to the condition that User shall ensure proper sealing with cement grouting of the abandoned or defunct tube wells, dug wells or recharge structures (if any) within seven days of its abandonment or becoming defunct. The Unit shall submit a report to this effect to the Authority within a further period of seven days of sealing.'*
- g. The Revocation order will be uploaded on PWRDA website.

- Note:**
1. Applications on plain paper received prior to this decision will be considered
  2. After issuance of this Order, request in proper Application Form (Miscellaneous) be considered.
  3. Application Form (Miscellaneous) is available on PWRDA website.

Placed before the Authority for Consideration.

**Decision:** After discussion it was decided that the following procedure be adopted in case of revocation of ad-interim permission and in case of withdrawal of an application seeking ad-interim permission.

1. *The following shall be the procedure for revocation of ad-interim Permission:*
  - a. *The User shall, along with the application in the required format, surrender the original Permission letter to the Authority.*
  - b. *Such application will be received, dealt and decided at the same level as in the case of grant of ad-interim Permission.*
  - c. *The ad-interim Permission shall be revoked after the applicant has cleared all dues and a report is received from the Billing Branch (Manager Accounts), regarding 'no dues'.*
  - d. *The Revocation order shall be conveyed to the User with an internal copy to Manager Accounts, and an external copy to all the agencies concerned which had been intimated about the ad-interim Permission.*
  - e. *Manager Accounts shall refund the balance advance deposit by a crossed cheque drawn in favour of the depositor after adjusting the dues, if any, under intimation to the User.*
  - f. *The Revocation order will be uploaded on PWRDA website.*

*Note: Request for revocation will be considered only in proper Application Form (Miscellaneous) which is available on PWRDA website, except applications already received prior to this decision.*

2. **In case a User who has applied for grant of ad-interim Permission requests the Authority for withdrawal of such application and for refund of the deposit made, then the Secretary shall be competent to allow the withdrawal of application and to refund the deposit to the account of the depositor by crossed cheque, after seeking any information or conducting any verification that may be required.**

**Item No. 53.08: Refund of Suspense Deposit.**

1. Swami Realtors and Developers Private Ltd., has submitted a request for a refund of Rs.38,320/- deposited in Authority's Bank account on 28-04-2022 (**Annexure A-6**). As per record it has deposited this sum but did not file application for ad-interim Permission. Now, Swami Realtors and Developers Private Ltd., has sought refund of this amount which was erroneously deposited in the Authority bank account.

2. Under the Draft Guidelines 2020, a Unit (Commercial, Industrial, Infrastructure, Institution and Others) seeking permission to extract Ground water firstly deposits the application fee, tube well registration fee and 60 days groundwater charges as advance deposit online directly through RTGS/NEFT into the account of the Authority.

3. Draft Guidelines 2020 are silent on refund of such financial transaction.



In view of the above, it is proposed that the Authority may consider to allow refund of erroneously deposited amount of Rs. 38,320/-. Further, Secretary, PWRDA may be authorised to allow refund in such cases after due verification of the facts.

Placed before the Authority for Consideration.

**Decision:** *Approved as proposed.*

**Item No. 53.09: Designation of Executive Engineer/Canals as Member Secretary, DICWRD.**

1. The Government has designated Executive Engineer/Canal for each district to act as Member Secretary, DICWRD for that particular district vide orders dated 17.08.2022 (**Annexure A-7**).

Placed before the Authority for information.

**Decision:** *Noted.*

**Meeting ended with a vote of thanks to the Chair.**

**Chairperson**