

Minutes of 56th Meeting of Punjab Water Regulation and Development Authority held on 06.12.2022 at 11.00 AM in the Committee Room under the Chairmanship of Sh. KaranAvtar Singh, Chairperson.

Present: Dr. Surinder Singh Kukal, Member.

In attendance: J.K. Jain, Additional Secretary.

Item No. 56.01: Confirmation of the Minutes of 55th Meeting of PWRDA.

The Minutes of 55th meeting held on 22.11.2022 was circulated to all concerned. No comments received. May be confirmed.

Decision: *Confirmed.*

Item No. 56.02: Action Taken Report:

Action Taken Report on the decisions taken in 55th Meeting will be placed before the Authority in the next meeting.

Decision: *Noted.*

Item No. 56.03: Payment of Groundwater Extraction Charges w.e.f. 12 Nov. 2020.

This item was placed before the Authority in 55th.meeting held on 22.11.2022 as Agenda item No. 55.15 but it was deferred with the direction to put up in the next meeting.

It is submitted that while approving the letter of ad interim permission, the Authority in its meeting held on 21.12.2020, added the following condition at Sr.No.4 to the ad interim permission letter:

"A Unit operational prior to 12/11/2020 shall be liable to pay groundwater extraction charges w.e.f. 12th Nov, 2020. A unit which is yet to begin operations shall be liable to pay the charges from the date of commencement of extraction of groundwater."

2. Representations have been received from NITMA, Vardhman Adarsh Ispat, Aarti Steels Limited, Cremica Food Industries Ltd, Fortune Metals Ltd etc, saying that Groundwater Extraction charges should not be imposed retrospectively i.e., from 12.11.2020. The request letters of the industries are placed at **Annexure A56-03-01**. Vardhman Industries in its letter dated 19.08.2021 has also submitted that:

"We have gone through the Policy there is no mentioned recovery of charges from back date hence it is requested that charges should not be charged from back date i.e., 12 Nov, 2020."

3. Also a representation has been received from Shreyans Industries Limited vide their letter No.SIL:SP:WORKS:GM (F&A):21-22/892,dated 05.08.2021 (**Annexure A56-03-02**) vide which they have reiterated para 1.1 of the draft guidelines, which is as under :

"The finalised Guidelines shall be published and notified, after considering all Objections received within one month of publication of these Draft Guidelines, as Directions of the Authority in terms of Section 15 of the Act, and shall have effect from the date of such Notification."

They have requested that according to Guidelines, 2020 the groundwater charges will be applicable from the date of final publication and dues shall be paid by them from the date when these Guidelines are finalized and published.

4. As per the Punjab Directions for Groundwater Extraction and Conservation, 2022 which were approved by the **Authority in its 53rd Meeting held on 7.9.2022**. The Authority has explicitly added the following condition as **Provision 8.2 in Chapter- 8** of Directions 2022 which clearly states that:

8.2 A User, granted ad-interim permission shall pay Groundwater Extraction charge from the date it had submitted its application or from the date of extraction, whichever is later, as per charges defined in the Draft Guidelines, till the commencement of the Directions2022.

There is no mention of levying of groundwater charges from 12/11/2020 in the Draft Guidelines. It was only added subsequently as a condition in the permission letter which only comes to the knowledge of the Units at the time of permission. The same has been objected to by many Units. The ad interim permission is voluntary in nature. The Units agreeing on the conditions mentioned in the Draft Guidelines voluntarily took the permission when they had no knowledge of the condition no 4. Therefore, the consent of the person concerned as provided in Para 1.2 of the Draft Guidelines, in this aspect cannot be termed as informed consent. Moreover, if condition 4 is revoked, then this will be in consonance with the Groundwater Directions as now approved by the Authority.

5. Placed before the Authority for consideration.

Decision: *Authority discussed this issue in the light of its decision taken in Agenda Item No. 53.05 dated 07.9.2022 and also considered at length the reasons given in Para 4 of current Agenda Item and decided as under:*

- i) The ad-interim permission letters issued so far should not have contained condition no. 4 since it was added without express or implied consent of the Unit concerned. Hence, this condition shall be considered as inoperative and deleted as it is void ab initio.*
- ii) Keeping in view the decision in item 53.05 incorporated as Paragraph 8.2 of the Directions 2022, and the legal issues described in this Agenda Note, a Unit that has obtained or obtains ad-interim permission under the Draft Guidelines shall pay Groundwater Extraction charges*

from the date of submission of its application or from the date of extraction, whichever is later.

- iii) *The actual sum of charges paid by a Unit impacted by this decision shall be adjusted against future dues or refunded, as the case may be.*

Item No.56.04: Clarification regarding payment of groundwater charges by Infrastructure Units.

It is submitted that EMAAR India Ltd. applied for Ad-interim permission for extraction of groundwater under Draft Guidelines 2020. In the application form, the type of unit mentioned was 'Infrastructure'. Ad-interim Permission was granted to the Unit. The Unit vide representation dated 23.02.2020 sought clarification whether it was exempted from paying groundwater charges for drinking and domestic usage.

2. The Authority considered this matter vide Resolution no 44.04 and decided as under:

“1. The following amendments are made in the Directions

- a. In chapter 2 the following, be added in the definitions:*

“building” means a building constructed on any land, containing eleven or more apartments, or two or more buildings with a total of eleven or more apartments, or any existing building converted into eleven or more apartments;

“colony” means an area of land not less than one thousand square meters divided or proposed to be divided into plots for residential, commercial or industrial purpose;

Note: A User in the context of Unit consisting of a Building or a Colony shall include a Builder, Developer, Coloniser, Owner, Allottee, Group Housing Society, Special Purpose Vehicle or Residents' Welfare Association as the case may be; and

- b. In Chapter 3 the explanation in para 3.1 (i) be replaced with the following explanation and be added after 3.1 (vii):*

Explanation:

An individual household shall be exempted under this clause only if it extracts groundwater 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. In Chapter 5 “GROUNDWATER CHARGES” the following be added:

5.1 GROUNDWATER CHARGES

- A. 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.*
- B. 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.

Explanation: A dwelling Unit shall be considered to be Occupied only after the User submits a Completion Certificate issued by the competent Authority.

C. 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.

2. *Chairperson is authorised to amend the Application Form accordingly.*
3. *The representation contained in this Agenda Item is hereby decided in terms of the decisions taken above. This decision shall apply to all applications received for this purpose for Ad-interim Permission i.e., to all such Units which have already been granted or may be granted ad-interim Permission under the Draft Guidelines, 2020.*
4. *Consequently, excess payment of Security Deposit received from any User who has already been granted or may be granted ad-interim Permissions, falling under fully exempted category, shall be returned."*

2. Subsequently, the Authority vide agenda item no. 53.06 decided as under:

"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."

Thus, the decision taken vide Resolution No. 44.04 stands revoked vide decision taken vide Resolution No. 53.06.

3. (a) Based on the decision vide Resolution 44.04 dated 22.04.2022, a Public Notice (**Annexure A56-04-01**) was uploaded on the Authority website on 23.05.2022, which may be revoked.
- (b) The modifications done in the Ad-interim application form (**Annexure A56-04-02**) subsequent to Resolution No. 44.04 may be rescinded.
4. While giving Ad-interim permission under the draft Guidelines 2020, for extraction of groundwater for drinking and domestic usage to the housing infrastructure Units, the Authority is charging groundwater extraction charges and taking security deposit.

5. The detailed discussion on these issues were also held while discussing the Use case/examples, which were then circulated through email dated 21.09.22. These examples were prepared in the context of the Groundwater Directions, 2022.
6. The examples for ad-interim permission to Infrastructure Units under draft Guidelines 2020 are prepared and placed as **Annexure A56-04-03**. The Office may process such cases as per the approved examples.

The infrastructure Units may be extracting groundwater

- (i) exclusively for drinking and domestic usage.
- (ii) for drinking and domestic usage along with other usages.

In such cases, where Units have applied for Ad-interim permission or obtained ad-interim permission for extraction of groundwater for drinking and domestic usage, Authority is requested to clarify whether such Units require ad-interim permission and are liable to pay groundwater extraction charges.

Where Units have already obtained Ad-interim permission, clarification is required regarding the application fees, security deposit and other charges (if any) paid by such Units.

Placed before the Authority for consideration.

Decision: *The decision taken by the Authority vide its Resolution No 53.06 was discussed in detail. For the proper implementation of this decision, the following clarifications are made in case of Housing Infrastructure Units seeking or granted ad interim permission:*

- (i) *Units extracting groundwater exclusively for drinking and domestic usage (and for no other usage) are exempted from seeking permission for groundwater extraction.*
- (ii) *Units extracting groundwater for drinking and domestic usages together with 'other usages' shall take permission for groundwater extraction and pay groundwater charges for the volume of groundwater extracted for such 'other usages'. These Units shall install separate water meters to measure actual volume of Groundwater extracted for different usages. It is clarified that any usage other than drinking and domestic use, such as usage for commercial, institutional, industrial, hospitality, catering, hostels, educational, health services, construction, watering of green belts, swimming, sports, recreation purposes etc. shall be considered as 'other usages'.*
- (iii) *Examples of the above cases at Annexure A56.04.03 are approved and be uploaded on the website of the Authority.*
- (iv) *Since, the decision taken vide Resolution No. 44.04 was revoked vide decision taken vide Resolution No.53.06 hence, Public Notice dated 22.05.2022 entitled "Clarification regarding groundwater extraction charges payable by Infrastructure Units under Draft Guidelines 2020" uploaded based on the Resolution No. 44.04 be removed from the website of the Authority and a fresh notice be uploaded providing the correct facts and situation based on the decision contained in Resolution 53.06 and the clarifications contained in the present decision.*
- (v) *The Chairperson is authorised to approve the changes required in the ad-interim permission application form consequent to this decision.*

- (vi) *The required refund /adjustment of Groundwater extraction charges including advance deposit shall be made to affected Units. However, there shall be no refund of fees paid under para 4.1 of the Draft Guidelines, 2020.*
- (vii) *Since Resolution No. 44.04 was rescinded by Resolution No. 53.06, the representation of EMAAR India Ltd. dated 23/02/2022 is decided in terms of the decision in Resolution No 53.06 and the clarifications given herein above.*

The following **Table Agenda Item** was taken up with the permission of the Chair.

Item No.56.05: Recruitment to the one post of Senior Manager (IT).

The Authority vide Resolution No. 55.07 dated 22.11.2022 accepted the resignation of Sh. Gurleen Singh, SM (IT) and vide Resolution No. 55.08 decided to constitute a three-member Committee consisting of Mr. J.K. Jain, Additional Secretary, Sh. Dinesh Sharma, Scientist (E), NIC, Punjab, Chandigarh and Mr. Maninder Singh, XEN, PWRDA (Member Secretary) to revisit the qualifications and experience for this post and submit a report.2. The committee so constituted has reported as under:

“The Committee constituted vide Order No. 36599: PWRDA-PWRD0MISC/6/2020-PWRDA/BR/141054/2022 dated 30.11.2022 to revisit the qualification & experience for the post of Senior Manager (IT) met today i.e. 02.12.2022 at 02:00 PM in the office of PWRDA at Chandigarh:

1. *Committee went through the qualification prescribed under the PWRDA Employee Services Regulations, 2020 which are as under:*

“B.Tech/B.E. with 10 years’ experience in the analysis, design, development, implementation, operation, maintenance, integration and up gradation of relevant software projects and software systems.”

Committee also considered the qualification (given below) fixed by the Authority for the recruitment Senior Manager IT) vide resolution no. 43.13.

“B.Tech/B.E with 5 years’ minimum experience in the implementation, operation, maintenance, integration and up-gradation of such relevant software projects and software systems. Desirable: 5 years’ experience in the analysis, design and development of relevant software projects and software systems.”

2. *Keeping in view the previous experience for the recruitment of IT expert in the Authority and the requirements of the post, the Committee is of the view that:*

- i. *The qualification & experience for this post may be revised as under:*

‘B.Tech/B.E or MCA from a recognized University/Institute with 5 years’ minimum experience in the implementation, operation, maintenance, integration and up-gradation of such relevant software projects.

Desirable: 5 years’ experience in the analysis, design and development of relevant software projects.”

As per Annexure A of Service Regulations, 2020 the Indicative monthly compensation for the post of SM (IT) for the year 2020-21 is ₹1,20,000/- . However, the Authority appointed Sh. Gurleen Singh as SM (IT)

with fixed monthly remuneration of ₹75,000/- vide Resolution No. 45.05.

Qualification, experience, monthly remuneration and mode of recruitment for this post may be decided.

Placed before the Authority for consideration.

Decision:

1. *The post of SM (IT) is re-designated as Manager (IT).*
2. *Accepted the recommendations of the three-member Committee, accordingly the qualifications & experience for the post shall be as under:
'B.Tech/B.E or MCA from a recognized University/Institute with 5 years' minimum experience in the implementation, operation, maintenance, integration and up-gradation of such relevant software projects.
Desirable: 5 years' experience in the analysis, design and development of relevant software projects.'*
3. *The monthly remuneration shall be Rs.75,000/-.*
4. *This post be filled by calling the applications through advertisement giving fifteen days' notice in two daily newspapers one each in English and Punjabi language.*

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