

Minutes of 74th Meeting of Punjab Water Regulation and Development Authority held on 07.11.2023 at 11.00 AM in the Committee Room under the Chairmanship of Sh. Karan Avtar Singh, Chairperson PWRDA.

Present: Mr. Sushil Gupta, Member and Mr. Surinder Singh Kukal, Member.

In attendance: Mr. Rajpal Singh, PCS Secretary, Mr. J.K. Jain, Addl. Secy, Mr. Maninder Singh, XEN.

Item No. 74.01: Confirmation of the Minutes of 73rd Meeting of PWRDA.

The Minutes of 73rd Meeting held on 26.10.2023 are yet to be issued.

Decision: *Noted.*

Item No. 74.02: Action Taken Report.

The action taken report on the decisions taken in the 72nd Meeting of PWRDA is as under:

Item No. 72.03: Status report of Groundwater Extraction Permissions.

The amended application form GW-01 has been uploaded on the website of Authority. However, necessary changes are still to be incorporated in the permission portal.

Item No. 72.04: Representations regarding compliance of water meter specification timeline given in the Groundwater Directions 2023.

Amendment in the condition number 2 of the permission letter as approved by the Authority has been implemented. Revised timeline to install the required water meters has been reflected on the website of the Authority.

Amendments made in the Directions 2023 have been published in the Punjab Government Gazette (Extra Ordinary) on 18.10.2023 and the Gazette Notification has been uploaded on the website of the Authority.

Decision: *Noted.*

ਆਈਟਮ ਨੰ. 74.03: ਆਰ.ਟੀ.ਆਈ. ਮੈਨੂਅਲ ਅਤੇ ਸਿਟੀਜਨ ਚਾਰਟਰ ਨੂੰ ਅਥਾਰਟੀ ਦੀ ਵੈੱਬਸਾਈਟ ਤੇ ਅਪਲੋਡ ਕਰਨ ਬਾਬਤ।

ਪ੍ਰਸ਼ਾਸਨਿਕ ਸੁਧਾਰ ਵਿਭਾਗ ਨੇ ਪੱਤਰ ਮਿਤੀ 13.09.2023 ਰਾਹੀਂ, ਮੁੱਖ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ, ਪੰਜਾਬ ਦੇ ਅਰਧ ਸਰਕਾਰੀ ਪੱਤਰ ਨੰ. 1576-1577, ਮਿਤੀ 04.09.2023 (ਅਨੁਲੱਗ A74.03.01) ਵੱਲ ਧਿਆਨ ਦਿਵਾਉਂਦੇ ਹੋਏ ਲਿਖਿਆ ਹੈ ਕਿ ਸਮੂਹ ਪਬਲਿਕ ਅਥਾਰਟੀਜ਼ ਅਤੇ ਪਹਿਲੀ ਐਪੀਲੇਟ ਅਥਾਰਟੀ ਨੂੰ ਹਦਾਇਤ ਕੀਤੀ ਜਾਵੇ ਕਿ ਆਰ.ਟੀ.ਆਈ ਐਕਟ 2005 ਦੀ ਧਾਰਾ 4(1)(b) ਵਿੱਚ ਦਰਸਾਏ ਅਨੁਸਾਰ ਕਾਰਵਾਈ ਕਰਦੇ ਹੋਏ ਇਸ ਦੀ ਇੰਨ ਬਿੰਨ ਪਾਲਣਾ ਯਕੀਨੀ ਬਣਾਉਣ ਅਤੇ ਪ੍ਰਸ਼ੇਨਲ ਵਿਭਾਗ, ਭਾਰਤ ਸਰਕਾਰ ਦੇ ਪੱਤਰ ਨੰ. 1/6/2011-IR ਮਿਤੀ 07.11.2019 ਰਾਹੀਂ ਜਾਰੀ ਕੀਤੀਆਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ ਬਿੰਨ ਪਾਲਣਾ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਉਂਦੇ ਹੋਏ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ।

2. ਸੂਚਨਾ ਦਾ ਅਧਿਕਾਰ ਐਕਟ 2005 ਵਿੱਚ ਕੀਤੇ ਉਪਬੰਧਾਂ ਅਧੀਨ, ਸਾਰੇ ਨਾਗਰਿਕਾਂ ਨੂੰ ਸੂਚਨਾ ਦਾ ਅਧਿਕਾਰ ਹੋਵੇਗਾ ਅਤੇ ਇਸ ਐਕਟ ਦੀ ਧਾਰਾ 4 (1) (b) (ਅਨੁਲੱਗ A74.03.02) ਵਿੱਚ ਕੀਤੇ ਉਪਬੰਧਾਂ ਅਨੁਸਾਰ ਹਰੇਕ ਪਬਲਿਕ ਅਥਾਰਟੀ ਇਸ ਕਾਨੂੰਨ ਦੇ ਬਣਾਏ ਜਾਣ ਤੋਂ 120 ਦਿਨ ਦੇ ਅੰਦਰ-ਅੰਦਰ ਲੋੜੀਂਦੀ ਜਾਣਕਾਰੀ ਦਾ ਪ੍ਰਕਾਸ਼ਨ ਕਰੇਗੀ।

3. ਪ੍ਰਸੋਨਲ ਵਿਭਾਗ, ਭਾਰਤ ਸਰਕਾਰ ਦੇ ਪੱਤਰ ਨੰ. 1/6/2011-IR ਮਿਤੀ 07.11.2019 (ਅਨੁਲੱਗ A74.03.03) ਜਾਰੀ ਹਦਾਇਤਾਂ ਮੁਤਾਬਿਕ ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਦੇ ਉਪਬੰਧਾਂ ਦੀ ਪਾਲਣਾ ਕਰਨ ਹਿੱਤ ਆਰ.ਟੀ.ਆਈ. ਮੈਨੂਅਲ ਅਤੇ ਸਿਟੀਜਨਜ਼ ਚਾਰਟਰ ਤਿਆਰ ਕੀਤਾ ਜਾਣਾ ਹੈ। ਤੇ ਹੈ। ਆਰ.ਟੀ.ਆਈ. ਮੈਨੂਅਲ (ਅਨੁਲੱਗ 74.03.04) ਅਤੇ ਸੀਟੀਜਨ ਚਾਰਟਰ ਦਾ ਖਰੜਾ (ਅਨੁਲੱਗ 74.03.05) ਈ.ਮੇਲ ਮਿਤੀ 28.09.2023 ਅਤੇ 06.10.2023 (ਅਨੁਲੱਗ 74.03.06) ਰਾਹੀਂ ਸਮੂਹ ਡਵੀਜ਼ਨਾਂ ਦੇ ਮੁੱਖੀਆਂ ਨੂੰ ਭੇਜਦੇ ਹੋਏ ਫੀਡਬੈਕ/ ਸੁਝਾਅ ਦੇਣ ਲਈ ਕਿਹਾ ਗਿਆ ਸੀ। ਐਪਰ ਕਿਸੇ ਵੀ ਡਵੀਜ਼ਨ ਵੱਲੋਂ ਕੋਈ ਫੀਡਬੈਕ / ਸੁਝਾਅ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਏ। ਇਸ ਦਾ ਭਾਵ ਹੈ ਕਿ ਡਵੀਜ਼ਨ ਮੁੱਖੀਆਂ ਨੂੰ ਇਸ ਡਰਾਫਟ ਤੇ ਕੋਈ ਇਤਰਾਜ਼ ਨਹੀਂ ਹੈ।

5. ਚੇਅਰਪਰਸਨ ਜੀ ਵੱਲੋਂ ਦਿੱਤੇ ਆਦੇਸ਼ਾਂ ਅਨੁਸਾਰ ਅਥਾਰਟੀ ਦੀਆਂ 72 ਮੀਟਿੰਗਾਂ ਦੀ ਕਾਰਵਾਈ ਅਥਾਰਟੀ ਦੀ ਵੈਬਸਾਈਟ ਤੇ ਅਪਲੋਡ ਕਰ ਦਿੱਤੀ ਗਈ ਹੈ। ਆਰ.ਟੀ.ਆਈ. ਮੈਨੂਅਲ (ਅਨੁਲੱਗ A74.03.04) ਅਤੇ ਸਿਟੀਜਨਜ਼ ਚਾਰਟਰ (ਅਨੁਲੱਗ 74.03.05) ਦਾ ਖਰੜਾ ਅਥਾਰਟੀ ਦੀ ਪ੍ਰਵਾਨਗੀ ਉਪਰੰਤ ਵੈਬਸਾਈਟ ਤੇ ਅਪਲੋਡ ਕਰਨ ਦੀ ਤਜਵੀਜ਼ ਵਿਚਾਰਨ ਹਿੱਤ ਪੇਸ਼ ਹੈ।

Decision: *A fresh agenda be put up in the next meeting. It should include action taken by the Office/ Divisions to comply with the RTI Act.*

Item No. 74.04: Issuance of Permissions to Water Tankers and Power Operated Drilling Rigs.

The Authority has notified Punjab Groundwater Extraction and Conservation Directions, 2023, which have come into force w.e.f. 01.02.2023. Under the Directions, Authority is competent to grant permission for water tankers and power operated drilling rigs.

2. The Punjab Water Resources (Management and Regulation) Act, 2020 is silent on the delegation of powers by Authority.

3. Paragraph 3.6 (A) of the Directions deals with the grant of permission to water tankers is reproduced below:

"3.6 PERMISSION BY WATER TANKERS

A. No motor vehicle shall be used for conveyance or transportation of groundwater through a water tanker (whether installed on the vehicle or towed as a trailer etc.) with a carrying capacity in excess of 500 litres for any purpose other than drinking and domestic or agricultural usage without Permission of the Authority."

4. Paragraph 3.7 (A) of the Directions states as follows:

"3.7 PERMISSION FOR A POWER-OPERATED DRILLING RIG

A. No power-operated drilling rig shall be operated for exploration of groundwater or for establishing, modifying, augmenting or improving any groundwater extraction structures in the state, without Permission of the Authority."

5. The Authority in its 64th Meeting held on 19.04.2023 (**Annexure A74.04.01**) has laid down the procedure for grant of Permission for Groundwater extraction under the Punjab Groundwater Extraction and Conservation Directions, 2023 and the levels of approval.

6. The process and levels for grant of Permission for Water Tanker and Power operated Drilling Rig has not been approved.

7. In the permission portal, a three-tier system consisting of Desk Officer (DO), Scrutinizing Officer (SO), and Approving Officer (AO) along with the role of a Finance Officer (FO), for processing of applications as adopted in case of Permissions for Groundwater Extraction has been developed for Water Tankers and Power operated Drilling Rigs.

8. In the case of Permission for Groundwater Extraction, the officers have been assigned the duties as follows:

1.	DO	JE/AMT
2.	SO	SDO
3.	AOL-1	SDO
4.	AOL-2	XEN
5.	AOL-3	SM (Admin.)
6.	FO	Manager Accounts

9. However, unlike in the case of Permissions for Groundwater Extraction, only one level of Approving Officer is required in case of Water Tankers and Power operated Drilling Rigs.

10. Therefore, the Authority may consider assigning the duties to process the Permission applications for Water Tankers and Power operated Drilling Rigs as follows:

1.	DO	JE/AMT
2.	SO	SDO
3.	AOL-1	SDO
4.	FO	Manager Accounts

11. Further, Authority may consider to decide approving officer for granting permissions in case of Water Tankers and Power operated Drilling Rigs.

Placed before the Authority for consideration.

Decision: *Approved as proposed in paragraph 10.*

Item No. 74.05: Action against Units for extraction of Groundwater without Permission

The Authority has notified Punjab Directions for Groundwater Extraction and Conservation, 2023, which have come into effect w.e.f. 01.02.2023.

2. As per Para 3.1 of these Directions, no User shall extract groundwater or conduct any activity connected therewith without obtaining Permission of the Authority.
3. As per Para 3.3 of these Directions, a User with an existing Unit shall apply to the Authority for Permission within such time period as stipulated by the Authority.
4. As per Authority's office order no.75340: PWRDA-PWRD0GENL/37/2021-PWRDA BR/1/51541/2023 dated 20.06.2023 and office order no.75340: PWRDA-PWRD0GENL/37/2021-PWRDA BR/1/56856/2023 dated 03.10.2023, the timelines for Existing Units to apply for Permission to extract Groundwater based on volume of extraction were stipulated as 30th June, 2023, 30th November, 2023 and 31st December, 2023.
5. As per Para 4.1 of the Directions, User not exempted under the Directions, shall pay Groundwater Charges as applicable for the extraction of Groundwater.
6. Failure by a User to comply with provisions of the Directions shall make it liable to pay non-compliance charges as described in Chapter 6 of the Directions without prejudice to any other liability under the Act or the Directions.
7. Action needs to be initiated against non-compliant Units as per the provisions of the Directions and the Punjab Water Resources (Regulation and Management) Act, 2020.
8. The Authority in its 73rd Meeting decided that a standard operating procedure (SOP) for issuing notices to such non-compliant Units be drafted and put up in the next Authority meeting. Therefore, for action against such cases of non-compliance, the following process is proposed to be adopted:
 - a. The Authority will share the details of non-compliant Units with the Implementing Agency for getting such Units visited by a member of DICWRD of the concerned District. A Visit Note to be filled in by the Officer inspecting the Unit be shared with the Implementing Agency. A draft of standard Visit Note is at **Annexure A 74.05.01.**

- b. Inspection/visit note be examined by the office. If the Unit is found to be non-compliant, a Notice be issued to the erring Unit at the level of In-charge of Permission Division, asking the Unit to comply with the Directions and submit a compliance report within 30 days. A draft of the proposed notice is at **Annexure-74.05.02**.
- c. If the Unit does not submit a compliance report within such period, the matter be placed before the Authority for appropriate action as per law.

Placed before the Authority for consideration.

Decision: *Approved the Visit note with some changes. The approved visit note is at Annexure M 74.05.01.*

2. Approved the Notice to be given to non-compliant Units having ad-interim permission with some changes. The approved notice is at Annexure M 74.05.02.

3. Approved the notice to be issued to M/s Vishal Coaters Private Limited Village Khusropur, Main Road Patiala and M/s Vishal Papers Industries Private Limited, Village Khusropur, Main Road Patiala. The approved notice is at Annexure M74.05.03. In all such cases, after a decision is taken to issue notice, the Division dealing with the complaint may transfer the case to Permission and Monitoring Division for issue of Notice based on complaint, and further necessary action.

Item No.74.06: Placing PWRDA Fund in Term Deposits/Fixed Deposits.

The procedure for placing Authority Fund in Term Deposits/Fixed Deposits as approved by Authority in meeting dated 13.09.2021 is at **Annexure A 74.06.01** and further amended in meeting **dated 08.10.2022 is at Annexure A 74.06.02**.

2. As per approved procedure the investments will be made in Term Deposit/Fixed Deposit with Public Sector and Private Sector Scheduled Commercial Banks at Chandigarh empanelled from time to time by the Department of Finance Government of Punjab and listed in the table of Scheduled Commercial Banks in the Scheduled 2 of the RBI Act 1934. At the time of decision 12 banks were empanelled (**Annexure A 74.06.03**). Government revised this list of empanelled banks to 20 banks (**Annexure A 74.06.04** and then to 21(**Annexure A 74.06.05**) Letter No. III/I/2023/IF/I/731-948, dated 17.08.2023)

3. In Paragraph 3 of FD letter dated 10.04.2023 (**Annexure A 74.06.04**), it is provided that: *"Regarding the Small Finance Banks (SFBs) which have been empanelled it has been decided that the deposits in Small Finance Banks (SFBs) will be capped at maximum of 10% of the total deposit amount in each bid. This means, if any of the Small Finance Bank quotes highest rate of interest among all the empanelled banks then only 10% of the total deposit (bidding amount) can be placed with the empanelled SFB and balance 90% of the total deposit amount will be placed with the bidder bank which has quoted 2nd highest rate of interest other than Small Finance Bank. It is further clarified that in case the highest rate of interest has been quoted by the bank other than SFB, than the whole deposit (bidding amount) will be placed with that bank and no part of deposit will be placed with the empanelled SFB."*

4. Govt. of Punjab, Department of Finance has issued guidelines regarding placement of funds by various state organization i.e., Government Departments/its entities receiving funds from the State Government or through various levies, cess, fees or funds received in any other form vide Letter No. FD-FE-40MISC/12/2023-3FE4I/55146/2023, dated 28.04.2023 (**Annexure A 74.06.06**). Portal named "eDMS" has been created for centralized placement of deposits/ Funds and tracking thereof. Govt. has directed that from **now onwards all the Govt. departments /its entities shall place the deposits through this designated portal i.e., eDMS only**. The placement and deposit of funds shall be with empanelled banks.

5. On the request of Authority, Directorate of Institutional Finance and Banking gave a demonstration through Video conference on 09.10.2023. This demonstration was attended by Manger Accounts, Manager IT and Concerned Office Executive.

6. The provisions of fixed deposit policy (**Annexure A 74.06.06**) issued by Government are by and large similar to the procedure adopted by PWRDA for placing funds in Fixed Deposit except for the following **contradictions**.

- i. As per provisions of section 9 of Punjab Water Resources (Management and Regulation Act 2020, PWRDA Fund shall be maintained in a scheduled commercial bank at Chandigarh or at any other place as may be specified. Investment of Fund through eDMS portal shall be placed with the bank branches located in Punjab State only.
- ii. As per prevailing policy, quotations are called from the empaneled banks and rate of interest (ROI) is checked online. Deposit is made in a bank offering highest ROI. Sometimes ROI on smaller denomination is higher for the same period than the ROI on large denomination, the Fund is invested in FDRs of smaller denominations. Moreover, in case of emergency, without losing interest on entire sum invested, FDR of required denomination can be encashed instead of breaking whole FDR. Whereas on eDMS portal it is not possible. In eDMS at the time of raising a bid, we can only fill amount to be deposited and tenure of FD. Portal itself chooses the bank giving highest rate out of the banks participating in bidding process.
- iii. As per policy of the Authority, if a bank offers the highest Rate of interest in a particular month, a Fixed Deposit can be placed with that bank subject to the condition that the deposits with such bank do not exceed 45% of total deposits made by the Authority at that point of time. Thereafter, further deposits to the same bank will be given only when the total funds kept in that bank fall below 40% of total deposits. In eDMS portal, there is no such limit and we are bound to place the funds with the bank selected by the portal irrespective of the fact that how much fund is already deposited in that bank. To keep entire deposit in a single bank without any upper limit is risky.
- iv. Procedure adopted by PWRDA for placing funds in Fixed Deposit is silent on placing funds in Small Finance Banks.

Placed before Authority for consideration.

Decision: Put up a proposal to amend existing Policy as per the provisions contained in Paragraph 3 of letter No. III/I/2023/IF/I/279-496 dated 10.04.2023 (Annexure A 74.06.04).

2. Secretary may take up the matter with Government of Punjab to amend the software as regards risk management and funds management practices adopted by PWRDA:

a) to place only 40% funds with any one scheduled commercial bank, and

b) to place more than one fixed deposit of different amounts in any given month.

Item No.74.07: Quarterly statement of Receipt and Payment for the quarter ending 30.09.2023.

Quarterly statement of Receipts and Payments for the 2nd quarter ending 30.09.2023 is at Annexure A74.07.01 for information of the Authority.

Decision: Noted.

Item No. 74.08: Pending dues/ excess payments of GWE Charges by 509 ad-interim permission holders.

The details of outstanding dues and excess payments made by Users granted ad interim permissions is as under:

Particulars	Total ad-interim Permissions	Excess amount of GWE Charges (Rs)	Pending Dues of GWE Charges along with Non-Compliance Charges			
			GWE Charges (Rs)	Delay charges @1.5% up to 30.09.2023(Rs)	Other Charges*(Rs)	Total Recoverable amount
Regular	238	39702449	49988	198390	127327	375705
Non-operational	61	964497	0	0	0	0
Exempted/Infra.	33	4671321	0	0	0	0
Surrender/Cancelled	6	0	0	0	0	0
Regular/Not paid from Date of Application	133	0	33469951	6341830	0.00	39811782
Defaulter	22	0	197486473	61620465	1300000	260406938
Chronic>3/ Not paid from Date of Application	15	0	17896660	3455237	0	21351897
Chronic<3	1	0	275952	47053	0	323005
Total	509	45338267	249179024	71662975.5	1427327	322269327

Regular/Not paid from Date of Application	Annexure 'A'
Defaulter	Annexure 'B'

Chronic>3/ Not paid from Date of Application	Annexure 'C'
Chronic<3	Annexure 'D'

Placed before the Authority for information.

Decision: *Details of notices already sent to defaulting/ non-compliant units and next steps proposed to be taken in such cases be up to the Authority in its next meeting.*

TABLE AGENDA

Item No.74-T 01: Typical cases of applications for permission for extraction of Groundwater.

A. Applications for permission for groundwater extraction under the Punjab Groundwater Extraction and Conservation Directions, 2023 are being processed in offline as well as online mode. While processing the applications, some typical cases have come up, which are as under:

1. Cases have been observed wherein users are making regular monthly payment of GW extraction charges based on the meter readings, including those granted Ad-interim permission, but have not applied for permission under the Directions, 2023. In Chapter 4, Paragraph 4.8, sub-paragraph (D) was amended reads as follows:

“For the period from the date of commencement of the Directions up to the date of installation of water meters, a User shall pay groundwater charges for the entire volume of groundwater for which Permission is sought. The User shall install the water meters of required specifications as required under paragraph 5.1 C of these Directions. In case the User is granted Permission for a different volume of groundwater than applied for, then the difference in payment, if any, will be paid by the User or adjusted in future payment cycles, as the case may be.

It is clarified that in case an existing Unit had already installed water meters (even if not of required specifications) on the date of commencement of these Directions, then it shall pay Groundwater extraction charges as per the readings of such water meters for the period from the date of commencement of the Directions to the date of installation of water meters of required specifications, being not beyond a period as stipulated by the Authority in para 5.1 C.”

The web portal charges the applicants for total volume of Groundwater for which permission is sought up till the end of the month preceding the month of

application. These units are unable to submit the application as they are unwilling to pay the additional amount of payment as per the software calculations.

2. In some cases, the applicable fees have been paid by the users without using the payment portal, both prior and post the launch of the web portal. In such cases also, the applicant is unable to submit the application in the web portal as the portal reflects that the payment is due to be paid by the applicant.

B. The Authority may consider allowing these types of cases, as described in paragraph 1 and 2, where a payment in part or full has been made offline, to be processed offline till the necessary change is incorporated in the software.

3. Last date to apply for permission of groundwater extraction for units extracting groundwater more than 15000 cubic metres per month was 30.06.2023. There are some cases wherein the applicant has made the payment before the due date, but the application was received post the due date.

According to paragraph 3.2 of the Directions 2023,

‘An Application for Permission to extract groundwater shall be submitted to the Authority in the required format within the time stipulated, complete in all aspects, along with required documents, Application fees, Charges and Security Deposit etc.’

C. The Authority may consider the date of payment of the applicable Application fee, Charges and Security Deposit as the date of application.

Placed before the Authority for consideration.

Decision: *i) Approved.*

ii) For other similar cases discussed, a detailed proposal be put up in the next Authority meeting.

Meeting ended with a vote of thanks to the Chair.