

**PUNJAB WATER REGULATION AND DEVELOPMENT AUTHORITY.  
SCO NO. 149-152, SECTOR 17C, CHANDIGARH.**

**Minutes of 78<sup>th</sup> Meeting of Punjab Water Regulation and Development Authority held on 11.01.2024 at 12.00 noon 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. Chander Gaiind IAS Secretary and Mr. J.K. Jain Addl. Secretary.**

**Item No. 78.01: Confirmation of the Minutes of 77<sup>th</sup> Meeting of PWRDA.**

The Minutes of 77<sup>th</sup> meeting held on 20.12.2023 were circulated to all concerned. No comments received. The Minutes may be confirmed.

**Decision:** *Confirmed.*

**Item No. 78.02: Action Taken Report:**

Action Taken Report on the decisions taken in previous Meetings of the Authority is as under:

*Item No.74.03: ਆਰ.ਟੀ.ਆਈ. ਮੈਨੂਅਲ ਅਤੇ ਸਿਟੀਜਨ ਚਾਰਟਰ ਨੂੰ ਅਥਾਰਟੀ ਦੀ ਵੈੱਬਸਾਈਟ ਤੇ ਅਪਲੋਡ ਕਰਨ ਬਾਬਤ।*

Pending.

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

Pending.

*Item No. 76.03: Compliance of Hon'ble NGT Order dated 15.04.2023 in Haider Ali Vs Union of India and Ors. (O.A. No. 94/2021) w.r.t. construction / installation of appropriate mechanism for artificial recharge of ground water / rainwater harvesting in stadiums, cricket grounds etc. -reg.*

Pending.

*Item No. 76.04: Regarding installation of Piezometers.*

Pending.

*Item No. 76.06: CWP 19597/2023 entitled Shreyans Industries Limited V/s State of Punjab and Another; CWP 20930/2023 entitled Punjab Dyers Association V/s State of Punjab and*

*Another; CWP 18912/2023 entitled Cremica Food Industries Ltd. V/s PWRDA and CW- PIL-105-2023 entitled Dhruv Chawla V/s PWRDA and others.*

- a) Balance Payment as per decision of the Authority has been made.
- b) Please see item no.78.03.

*Item No. 76.07: Recruitment to one post of Private Secretary.*

Advertisement has been issued. January 10,2024 is the last date to apply for.

*Item No. 76.08: Requirement of Additional Office Space.*

Pending.

*Item No. 76.09: Proposal for extension of timeline for enhancement of Permission module of PWRDA Web Application.*

This Agenda item was deferred.

*Item No. 77.03: Recruitment to one post of Manager (Legal).*

Please see Item no.78.04.

*Item No. 77.04: Hiring/Purchase of Motor Vehicles.*

- a) Office order regarding hiring of vehicles for local journey was issued on 21.12.2023.
- b) Tender for hiring of one pool vehicle is pending.
- c) Hiring of vehicle for Secretary will be put up in the next meeting.

*Item No. 77.T.01: "ਦੀ ਪੰਜਾਬ ਜਲ ਸਰੋਤ (ਮੈਨੇਜਮੈਂਟ ਐਂਡ ਰੈਗੂਲੇਸ਼ਨ) ਐਕਟ, 2020" ਦੀ ਧਾਰਾ-35 ਤਹਿਤ "ਪੰਜਾਬ ਵਾਟਰ ਰਿਸੋਰਸਿਜ਼ (ਮੈਨੇਜਮੈਂਟ ਐਂਡ ਰੈਗੂਲੇਸ਼ਨ) ਰੂਲਜ਼-2023" ਬਣਾਉਣ ਸਬੰਧੀ।*

In reply to request for a copy of draft rules, Government (Memo No. E87290PJ-3/466 dated 22.12.2023) wrote that:

*"As regards the draft rules available on the government side, it is mentioned that the draft rules were prepared long time back and the same were sent to the Finance Department. FD had raised many objections. Meanwhile lot of changes have happened since those draft rules were framed. Recently many obligations/complaints/representations have been received from the Industry Association. Apart from this, the Department is contemplating to notify the new Canal and Drainage Act by repealing Northern Canal and Drainage Act 1873.*

*In view of this it may be appropriate if the rules are considered and prepared altogether afresh with latest inputs."*

Fresh draft of rules is under consideration.

**Decision:** *Noted.*

**Item No. 78.03: CWP 18912/2023 entitled Cremica Food Industries Ltd. V/s PWRDA and CWP-PIL-105-2023 entitled Dhruv Chawla V/s PWRDA and others.**

**A. CWP 18912/2023 entitled ‘Cremica Food Industries Ltd. V/s PWRDA.**

1. This case came up for hearing on 28.08.2023. The Hon’ble Court has ex-party stayed (**Annexure A78.03.01**) the operation of the impugned communication dated 27.03.2023 (**Annexure A78.03.02**). The next date of hearing is 13.02.2024. The brief facts of the case are at **Annexure A78.03.03**.

2. The petitioner raised the following substantial questions of law for the determination of this Hon’ble Court in the present writ petition: -

- (i) Whether the action of the respondent Authority is illegal, arbitrary and without jurisdiction?
- (ii) Whether the draft guidelines are binding in nature without the same having been duly notified?
- (iii) Whether an Authority constituted under the Act of the legislature can travel beyond the powers delegated to it under the parent Act?
- (iv) Whether the action of the respondents Authority is discriminatory and violative of Article 14 of the Constitution of India?
- (v) Whether the petitioner company can be made liable to pay groundwater extraction charges in violation of the provisions of 2020 Act?
- (vi) Whether the petitioner company can be discriminated against in respect to payment of groundwater extraction charges viz-a-viz similar units who have granted time for applying for permission for groundwater extraction water up to 30<sup>th</sup> September 2023?

**B. CWP-PIL-105/2023 entitled Dhruv Chawla V/s PWRDA and others.**

Advance soft copy (**Annexure A78.03.04**) of this case was received from the office of Principal Secretary, Department of Water Resources on 20.11.2023. The brief facts of the case are at **Annexure A78.03.05**. The PIL came up for hearing on 24.11.2023. The following order was passed (**Annexure A78.03.06**). This case is listed on 29.01.2024.

*"The petitioner will hand over a copy of the writ petition to learned counsel for the State during the course of the day.*

*Learned counsel for the State will go through the contents of the PIL and inform us on the next date of hearing with respect to decision taken by the Government as to why multiple objections (Annexure P-8) have been totally ignored while issuing guidelines (Annexure P-1)? The respondents will also examine the issue as to why growing millets is not being promoted as they consume only 10% of the water and she will also inform us how the ground water extraction can be stopped as per their expert opinion?"*

2. The petitioner prayed that Hon'ble Court may issue writ of mandamus or any other appropriate writ, order or direction

A) directing the Respondents to either withdraw the Punjab Groundwater Extraction and Conservation Directions, 2023 dated 27.01.2023 or in the alternative, suitably amend the same in order for it to effectively serve the objective of curbing groundwater depletion in Punjab. Issue a writ of mandamus or any other appropriate writ,

B) order or direction directing the Respondents to incorporate provisions pertaining to water conservation in agriculture, as provided for under the Draft Punjab Groundwater Extraction and Conservation Directions, 2020.

C. The subject matter was placed before the Authority in 76<sup>th</sup> meeting held on 14.12.2023 as Agenda item No. 76.06. The decision was deferred. The Counsel to defend CWP 18912/2023 and CWP -PIL-105/2023 is yet to be engaged.

D. The Authority may decide to engage counsel to defend CWP 18912/2023 and CWP-PIL-105/2023 and amount of fee to be paid.

Placed before Authority for consideration.

**Decision:** *Mr. Sanjeev Sharma Senior Advocate, Punjab and Haryana High Court who had already been engaged for similar cases be engaged at a lump sum legal fee of Rs. 2.25,000/- for each case.*

**Item No. 78.04: Recruitment to one post of Manager (Legal).**

The subject matter was placed before the Authority in 77<sup>th</sup> meeting held on 20.12.2023 as Agenda Item No. 77.03 but it was deferred.

2. Groundwater Directions, 2023 have come into force w.e.f. 01.02.2023. Three CWPs and one PIL are pending against the Authority in the Hon'ble High Court. In many cases legal advice/vetting is required. The correspondence with CGWA, PPCB, NGT, Commissions and Departments is routed through Legal Division. Therefore, the services of Senior Manager (Legal) are required.

3. Authority in its 63rd Meeting held on 29.03.2023 vide resolution no. 63.05, approved to recruit one Manager (Legal) on contract basis at the monthly remuneration of Rs. 1.00 lakh (fixed) by calling applications from both Public & Private Sectors. The qualification/ experience from Public/ Private Sector were decided as follows:

**I. Public Sector:** Candidate should be A Law Officer who is working as or has retired from the post of Deputy District Attorney or equivalent.

**II. Private Sector:** Candidate should be LLB from recognized University/ Institute and at least 10 years' experience of legal work out of which at least five years should be as a practicing Advocate in a High Court.

4. The post was advertised on 16.05.2023. As per the report of the Scrutiny Committee only three applications from Private Sector were received via email till the cut-off time and none was received from the Public Sector. All the three were considered eligible as per qualification and experience required for the post.

5. A committee consisting of Sh. Sushil Gupta, Member, PWRDA, Sh. JK Jain, Additional Secretary, Sh. Rajesh Vashisht, Technical Advisor, Mr. Maninder Singh, XEN and Sri H S Sitta, Deputy Advocate General, Punjab as Domain Expert (nominated by the office of Advocate General, Punjab) was constituted to interact with the candidates in terms of Resolution No. 61.06 of the Authority.

6. The committee interacted with the candidates and reported that *"None of the candidates fulfilled the minimum qualifying marks. Hence, the Committee does not recommend any of the three candidates interviewed for appointment to the post of Manager (Legal)"*.

7. This report was placed before the Authority in 67<sup>th</sup> Meeting held on 06.07.2023 as agenda item no. 67.08. The Authority's decision based on the committee's recommendation was **"Noted"**.

8. PWRDA Employees Service Regulations, 2020 are at **Annexure A78.04.01**. Under Regulation 5(3), *the Authority may modify or change the nomenclature or the qualification of any post depending upon the requirement of human resources.*

9. The Authority may consider to fill one vacant post of Manager (Legal) and may decide:

- a) the mode of recruitment,
- b) qualifications,
- c) experience,
- d) monthly remuneration; and
- e) period of contract.

Placed before the Authority for consideration.

**Decision:** *A Manager Legal be recruited on contract basis for one year at a monthly remuneration of Rs. 75000/- (fixed).*

*Applications be called from both the public and private sectors through an advertisement in two daily newspapers, one each in English and Punjabi language having wide circulation in the region. For public sector candidates the qualifications and experience shall be as per para 3.I of the agenda item. Candidates from the private sector shall have LL. B degree from a recognized University/Institute and at least eight years' experience of legal work out of which at least four years should be as a practicing advocate in a High Court.*

**Item No. 78.05: Extension in timeline to apply for permission in respect of existing Units extracting groundwater > 300 to 1500 cubic meter per month.**

Punjab Groundwater Extraction and Conservation Directions, 2023 have come into force w.e.f. February 1, 2023. Time period to apply for permission in case of existing Units extracting volume of groundwater >300 to 1500 cubic meter per month was nine months from the date of commencement of Directions. Authority by Resolution No. 66.04 dated 20.06.2023 extended this timeline up to 31.12.2023.

2. However, till the last date, only 267 Units applied for permission. As per data had from PPCB there are around six hundred Units of this category who have obtained consent to operate (CTO) from PPCB. There may be still more such Units of this category.

3. In view of the aforementioned circumstances, the Authority may consider:

- a. To launch an awareness campaign for groundwater users.
- b. To extend timeline to apply for permission in case of existing Units extracting volume of groundwater more than 300 and up to 1500 cubic meter per month.

Placed before the Authority for consideration.

**Decision:** *a. AWARENESS CAMPAIGN:*

*i. A comprehensive proposal for a public campaign to address groundwater users, farmers, students etc. be prepared to ensure compliance of the Groundwater Directions, 2023.*

*ii. The Implementing Agency (IA) to conduct a time bound inspection campaign. In addition, all Deputy Commissioners-cum-Chairpersons, DICWRD be asked to review*

*progress in monthly meetings and send progress report every month to Implementing Agency.*

*iii. In the first instance camps for filing applications be held in four major districts i.e., Ludhiana, Jalandhar, Amritsar and Mohali by IA with assistance of PWRDA officers in coordination with industrial/commercial associations, the district administration and DICWRD.*

***b. EXTENSION IN TIMELINE TO APPLY FOR PERMISSION:***

*i. Units seeking permission to extract a volume of groundwater more than 300 and up to 1500 cubic meters per month shall apply for permission by 31<sup>st</sup> March 2023.*

*ii. This extended timeline be published in three newspapers (Punjabi, English and Hindi) with wide circulation in the State for information of the public and be uploaded on the website of the Authority.*

**Item No. 78.06: Directions U/S 33 A of the Water (Prevention & Control of Pollution) Act, 1974.**

The Hon'ble NGT while considering the violation of environmental norms and environmental damage by the sugar mills in Uttar Pradesh in O.A. No. 539 of 2019 (**Annexure A 78.06.01**) and in O.A. No. 71 of 2021 (**Annexure A 78.06.02**) had issued certain directions vide orders dated 1.9.2021 and 21.09.2021 respectively for compliance by statutory authorities.

2. In O.A. No. 71 of 2021, at paragraph 5, NGT reiterated its order passed in O.A No.539 of 2019 which is as under:

- I. "All the Units must ensure continuous running of ETPs even during the non-crushing season for the adequate maintenance of required biomass so that the ETP is able to take the load/shock when it receives the pollution load/effluent at the start of the crushing season.*
- II. All the Units must provide separate Energy Meter for entire ETP setup including its accessory units with data logging facility which shall be inspected by PPCB and CPCB from time to time.*
- III. All the units must ensure Interlocking of Pollution Control Devices with production processes (one way but not vice-versa) so as to ensure that whenever ETPs/PCDs are intentionally closed, the production also comes to halt.*
- IV. Regular inspections shall be carried out by the Board in both halves of the crushing season and also at least once in non-crushing season.*

- V. ***Since the Asmoli unit falls in the critical zone with respect to groundwater withdrawal, an assessment of water recharge needs to be carried out by CGWA or UPGWB before issuance of NOC.***

*The Statutory Authorities are directed to ensure the above directions strictly so that industries may run without causing damage or loss to the environment as well as to the local inhabitants and farmers residing nearby the Units”.*

Further, in paragraph 7 of the order in O.A. No. 71, the Hon'ble NGT has directed that, *"CPCB and State PCB to issue appropriate Directions to all the similarly placed units for compliance of above directions."*

3. Based on the above order of Hon'ble NGT, the Central Pollution Control Board (hereinafter to be referred as CPCB) has issued directions u/s 18 (1) (b) of Water (Prevention & Control of Pollution) Act, 1974 “hereinafter mentioned as Water Act 1974” to Punjab Pollution Control Board (hereinafter to be referred as PPCB) for issuance of directions to the sugar mills for compliance of orders of Hon'ble NGT. Further Section 18 (1) (b) of Water Act 1974 says as under:

*“18. Powers to give directions. — (1) In the performance of its functions under this Act-*  
*(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and*  
*(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it: Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.”.*

4. In pursuance of these directions, PPCB in exercise of the powers conferred under Section 33 A of Water (Prevention & Control of Pollution) Act, 1974 has directed all the Sugar Mills in the State of Punjab and the Authority for compliance of the directions of NGT which inter alia include:

***"If the unit falls in the critical zone, an assessment of water recharge needs to be carried out by Central Ground Water Authority (CGWA) or Punjab Water Regulation and Development Authority (PWRDA) before issuance of NOC, with respect to groundwater withdrawal."***



5. Section 33A of Water (Prevention & Control of Pollution) Act, 1974 is reproduced below:

**“33A. Power to give direction.-** Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

*Explanation.* - For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct-

- (a) The closure, prohibition or regulation of any industry, operation or process; or
- (b) The stoppage or regulation of supply of electricity, water or any other service”.

6. Orders passed by the NGT mentioned hereinabove in the aforementioned O. A’s, prima facie indicate that these directions are to be enforced in the State of Uttar Pradesh only.

Placed before the Authority for consideration.

**Decision:** *Authority observed as under:*

*To enable the Authority to properly evaluate the water recharge with respect to groundwater withdrawal by sugar mills, the PPCB be requested to supply the following information regarding sugar mills:*

- i. Wastewater discharge standards.*
- ii. Methods of wastewater discharge allowed/permitted by PPCB.*
- iii. Purposes for which reuse of wastewater is allowed by PPCB.*
- vi. Copy of CTO issued to each sugar mill with details of terms and conditions.*

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

**Chairperson**