MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY, MUMBAI 9th Floor, Centre-1, World Trade Centre, Cuffe Parade, Mumbai 400 005 *NOTIFICATION*

MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY (CONDUCT OF BUSINESS) REGULATIONS, 2013.

No. MWRRA. 2010/CBR/(54).—In exercise of the powers conferred under Section 31 of the Maharashtra Water Resources Regulatory Authority Act, 2005 (XVIII of 2005), the Maharashtra Water Resources Regulatory Authority hereby makes the following Regulations :—

CHAPTER I
GENERAL

1. *Short Title, Object, Commencement and Application.*— (*1*)These Regulations may be called the Maharashtra Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013.

(2)The object of these Regulations is to establish procedure for,—

(a)Conduct of Business by the Authority;

(b)Hearing and disposal of all matters falling within the jurisdiction of the Authority.

(4)These Regulations shall apply to all matters within the jurisdiction of the Authority.

2. *Definitions.*— (1)In these Regulations unless, the context otherwise requires,— *(a)'Act'* means the Maharashtra Water Resources Regulatory Authority Act, 2005 (Mah. Act No. XVIII of 2005), as amended from time to time;

(b)'Authority' means the Maharashtra Water Resources Regulatory Authority established under Section 3 of the Act;

*(c)' Chairperson '*means the Chairperson of the Authority;

*(d)'Member'*means a member of the Authority and includes the Chairperson;

(e)'Officer' means an officer of the Authority;

(f)'Pleadings' includes petitions, applications, appeals, replies, rejoinders, references or any other filings made to the Authority;

(g)'Receiving Officer'shall mean the officer designated by the Chairperson for receiving Pleadings;

(h)'*Secretary'* means the Secretary of the Authority;

(i)'State' means the State of Maharashtra;

(j)'State Government' means the Government of Maharashtra;

*(k)'Tariff Order Regulations'*means the Maharashtra Water Resources Regulatory Authority (Fixing Criteria for and Issuance of Tariff Orders for Bulk Water) Regulations, 2013;

(l)'Regulations' means the Maharashtra Water Resources Regulatory Authority (Conduct of Business) Regulations, 2013, as amended from time to time;

(m)' Water Resources Department (WRD) ' is the department of the State Government dealing with water resources in the State.

(*2*)Terms not defined in these Regulations will have the same meaning as assigned to them under the Act or under the Maharashtra Management of

Irrigation Systems by Farmers Act, 2005 (Mah. XXIII of 2005) or under the Maharashtra Irrigation Act, 1976 (Mah. XXXVIII of 1976).

(*3*)In construing these Regulations, the singular shall include the plural and *vice versa*.

3. *Authority's office, office hours and sittings.*—(*1*) The head office of the Authority shall be at Mumbai.

(2)The Authority shall follow the office timings and holidays as notified from time to time by the State Government for its offices in Mumbai, unless otherwise decided by the Authority.

(*3*)Where the last day for doing any act falls on a day on which the Office of the Authority is closed and by reasons thereof the act cannot be done on that day, it may be done on the next working day of the Authority.

(*4*)The Authority may conduct its meetings/proceedings at the head office or at any other place within the State.

4. *Language of the Authority.*—(*1*)The proceedings of the Authority shall be conducted in English or Marathi.

(*2*) The Authority shall issue all orders in English and/or in Marathi provided that orders in English shall be accompanied by a translation in Marathi and *vice versa* and these shall be hosted on the web site of the Authority.

(*3*) The Authority shall comply with the directions of the State Government issued from time to time on use of the Marathi language in correspondence.

5.*Seal of the Authority.*— (*1*) There shall be a separate seal of the Authority.

(*2*) Every order, decision, communication, notice or certified copy passed/issued, by the Authority shall be stamped with the seal of the Authority and shall be authenticated by the Secretary or any other Officer of the Authority designated for the purpose.

6. *Appointment of Secretary, Officers and Employees.*—The Authority shall appoint a Secretary, other Officers and staff for discharging various duties. The qualifications, experience and terms and conditions of service and appointment of such Secretary, Officers and other employees shall be subject to such regulations as may be specified by the Authority.

7. *Functions and Duties of the Secretary.*— (*1*)The Secretary shall be the principal officer of the Authority and shall exercise such functions as are assigned by these Regulations or otherwise by the Chairperson.

(*2*)In addition to the function/duties set out in Appendix 'C' of the Maharashtra Water Resources Regulatory Authority (Recruitment and Conditions of Service of Employees) Regulations, 2009, the Secretary shall, *inter-alia*, discharge the following functions :—

(*a*)keep custody of the seal, records and registers of the Authority;

(*b*)receive or cause to receive all Pleadings made to the Authority;

(*c*)scrutinize all Pleadings and seek clarifications or rectifications upon the same and issue appropriate directions with approval of the Authority pertaining to the acceptance or rejection of such documents;

(*d*)prepare or cause to prepare briefs and summaries of all such filings presented before the Authority;

(*e*)to authenticate the orders passed by the Authority;

(*f*)assist in proceedings conducted by the Authority;

(*g*)to the extent possible, ensure and monitor compliance of orders passed by the Authority and forthwith bring to the notice of the Authority any non-compliance thereof;

(*h*)carry out such functions under the Act, as may be delegated to the Secretary by the Authority, by general or specific order;

(*i*)prepare notices, agenda for meetings and record the minutes of such meetings/ proceedings as held/conducted by the Authority;

(*j*)collect from the State Government and/or the Central Government and their agencies, or other offices, companies and firms or any other party as may be directed by the Authority, such information and records, reports, documents, writings as may be considered necessary for the purpose of efficient discharge of the functions of the Authority under the Act and place the same before the Authority.

(3) The Secretary may, with the written approval of the Authority, delegate to any other officer of the Authority any function required by these Regulations or otherwise, to be exercised by the Secretary. In the absence of the Secretary, the officer of the Authority as may be designated by the Chairperson in this behalf, shall exercise the functions of the Secretary, as directed by the Authority.

8. *Authorised Representative to appear before Authority.*—(*1*)A party may appear in person or authorise its employee, or if a corporate body or such entity its authorised representative, or appoint an advocate or a member of any statutory professional body, as the Authority may from time to time recognise, to represent such person/corporate body/entity to act and plead on its behalf before the Authority.

(*2*)The Authority may from time to time determine the terms and conditions subject to which a person may authorise any other person to represent him and act and plead on his behalf.

(*3*)Notwithstanding the above, the Authority may allow any person including any association, group of water users, forums or any other corporate body to participate in any proceedings, as the Authority may deem necessary and appropriate and may,—

(*a*)decide a procedure for recognition of the aforesaid groups with the Authority for the purposes of representation before the Authority ;

(*b*)appoint any other Officers or any other person to represent the water users interest in Proceedings before the Authority, on such terms as to fees, costs and expenses by such parties in the Proceedings as deemed appropriate.

9. *Meetings of the Authority.*—(*1*)This section shall be applicable to the meetings of the Authority, other than proceedings of the Authority as set out in Regulation 11 hereunder.

(*2*)The Chairperson may call for a meeting of the Authority as and when required or on a receipt of a requisition in writing from any Member stating the issues for consideration at the meeting.

(*3*)The quorum for the meetings of the Authority shall be two thirds of the full strength of the Authority (Chairperson and two Members).

(*4*)If at any meeting of the Authority duly convened, the quorum is not present, the meeting shall stand adjourned to a new date and time as may be decided by the Chairperson.

(*5*)The Chairperson shall preside over the meetings of the Authority and conduct the business. If the Chairperson is unable to be present in any meetings for any reason, any other Member nominated by the Chairperson in this behalf and, in the absence of such nomination or where there is no Chairperson, any Member chosen by the Members present from among themselves, shall preside over the meetings.

(*6*)All questions which come up before any meetings of the Authority shall be decided by a majority of votes of the Members present and voting. In the event of equality of votes, the Chairperson or in his absence, the Member presiding, shall have a second or casting vote. Save as otherwise provided every Member shall otherwise have one vote.

(*7*) The Secretary, or in his absence an officer of the Authority designated by the Chairperson, shall record the minutes of the meetings, and maintain a register which will, among other things, contain the names and designation of Members and Special Invitees present in the meeting, a record of proceedings and notes of dissent, if any. The draft minutes shall, as soon as practicable, be sent to the Chairperson and the attending Members.

(*8*)The decision taken in the meeting of the Authority shall be recorded in the minutes in a clear and concise manner, along with reasons. The minutes of the previous meeting shall be confirmed at the next meeting of the Authority. Copies of the approved minutes shall be circulated to the Chairperson, Members and attending Special Invitees.

10. *Vacancies etc. not to invalidate proceedings.*—No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

CHAPTER II

General Rules Concerning Proceedings before the Authority

11. *Proceedings.*—(*1*)The Authority may make any enquiry or *suo motu* initiate any proceedingsin the discharge of its functions under the Act.

(*2*)The following categories of Bulk Water Users only are eligible to petition the Authority :—

(*a*)Water User Associations at minor level, distributary level, canal level, project level, natural flow system ;

(*b*)Domestic Water User Utilities such as the Maharashtra Jivan Pradhikaran, Maharashtra Industrial Development Corporation, Municipal Corporations, Urban Local Bodies, Gram Panchayats ;

(*c*)Industrial Users such as Maharashtra Industrial Development Corporation, privately owned industrial estates ;

(*d*)Other individual Bulk Water users having an agreement with the Water Resource Department ;

(*e*)Any registered organisation representing officially the interests of any of the above.

(*3*)The quorum for the proceedings shall be atleast two Members.

(*4*)Where the Authority initiates proceedings it shall be, by notice issued by the Office of the Authority and the Authority may give such orders or directions as may be deemed necessary, for service of notices to the affected or interested parties and such directions necessary for filing of replies thereto.

(*5*)The Authority may, if it deems appropriate, issue public notices inviting comments from interested persons on the issues involved in any proceedings, in such form as the Authority may direct.

12. *Institution, form and content of Pleadings.*—(*1*)All applications/appeals shall contain a clear and concise statement of the facts with material particulars, the cause of action, the relief sought, the applicable provisions of law.

(*2*)The application /appeal ought to include the following particulars :—

(*a*)the statutory provisions and the Regulations under which the same is being filed before the Authority;

(*b*)reasons why the Authority has jurisdiction to try, entertain and dispose off the same ;

(*c*)whether filed within the specified time frame and whether the applicant/appellant is seeking condonation of delay and on grounds thereon;

(*d*)a statement of disclosure whether the applicant/appellant has filed any other application/appeal in any of the court in India in respect of the subject matter and if so the details thereof.

(*3*)All pleadings to be filed before the Authority are to be handwritten/ typewritten/ cyclostyled/printed, neatly and legibly on one side of durable paper with consecutive page numbering. The contents of the pleadings are to be divided appropriately into separate paragraphs, numbered serially. The sums and numbers to be expressed in both words and figures. The pleadings shall be in English or Marathi. Every alteration, interlineations and erasure in the pleading is to be initialed.

(*4*)The appropriate fee shall be affixed on the pleading or shall be paid at the time of filing of the pleading as determined by the Authority in terms of the Maharashtra Water Resources Regulatory Authority (Fees & Charges) Regulations, 2010.—

(*5*)The pleadings shall be accompanied by copies of such documents certified as true copies of the originals, supporting data and statements, as are relevant to the pleadings along with an index thereof.

(*6*)All pleadings are to be filed in six identical copies or such other number of copies if the Authority so directs and all such copies to be complete in all respects and the Authority may in addition seek copies of the pleadings to be filed in an electronic form, on such terms and conditions, as the Authority may direct.

13. *General Headings/Face sheet.*—The general headings in all pleadings before the Authority and in all notices including public notices shall be in

Form 1 annexed hereto.

14. *Affidavit in Support.*—(*1*)All pleadings are to be verified by an affidavit and every such affidavit shall be in the format as prescribed in

Form 2 annexed hereto.

(*2*)Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which the deponent is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.

(*3*)Every affidavit shall clearly and separately indicate the statements which are true to the,—

(*a*)knowledge of the deponent;

(*b*)information received by the deponent; and

(*c*)belief of the deponent.

(*4*)Where any statement in affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

15. *Presentation, Scrutiny and Admission of Pleadings.*—(*1*)All pleadings accompanied by a Memorandum of Authorization (Form 4 hereto) are to be presented in person or by any authorized representative/agent of the applicant/appellant/respondent to the Receiving Officer at the head office of the Authority during business hours or at such other place or places and during the time as may be directed by the Authority from time to time. The Pleading may in the alternate be sent by registered post with acknowledgment due to the Authority at the places mentioned above.

(*2*)The receipt of the applications/appeals shall be duly entered in the register maintained for the purpose by the Receiving Officer.

(*3*)Upon receipt of the pleadings, the Receiving Officer shall acknowledge receipt by stamping and endorsing the date on which the same has been presented and shall issue an acknowledgment with stamp and date to the person filing the same. In case the pleadings are received by post (registered post, speed post or courier), the date on which the pleading is actually received in the office of the Authority shall be taken as the date of filing of the same and the acknowledgement shall be considered as acknowledgement of receipt. In case the pleadings are received by compact disc or through e-mail, the date on which the same are actually received in the office of the Authority shall be taken as the date of filing and the acknowledgment shall be considered as acknowledgment of receipt.

(*4*)The Secretary with the approval of the Authority may decline to receive any pleading and if the pleading has already been received may return the same if it is not in conformity with the provisions of the Act or these Regulations or directions given by the Authority or is otherwise defective in the format as set out in

Form 3 hereto :

Provided however that no pleading shall be refused for a defect in its presentation, without an opportunity being given to the person filing the same to rectify the defect within the time, which may be allowed for the purpose. The Receiving Officer shall advise in writing of the defects in the Pleading and the time within which the defects should be rectified and the same be presented again.

(*5*)The Secretary of the Authority shall be entitled to reject the application/appeal if the person filing the same fails to rectify the defect within the time allowed.

(*6*)As soon as the application/appeal and all necessary documents are lodged and the defects and objections, if any, are removed and the same has been scrutinized and numbered, it shall be placed before the Authority for admission.

(*7*)The Authority may admit the application/appeal for hearing without requiring the attendance of the applicant/appellant. However, the Authority shall not pass an order refusing admission of the application/appeal without giving the party concerned an opportunity of being heard. The Authority may, if it considers appropriate, issue notice to such person or persons, as it may desire to hear on the admission of application/appeal.

(*8*)If the Authority admits the application/appeal , it may pass such orders or directions as may be considered necessary, for service of notices to the respondent and other affected or interested parties and for the filing of replies in opposition or in support thereof, in such form as the Authority may direct.

16. *Service of notices and Processes issued by the Authority.*—(*1*)Any notice or process to be issued by the Authority to any person or body may be served by any one or more of the following modes as may be directed by the Authority :—

(*a*)service by the party filing the application/appeal ;

(*b*)by hand delivery through a messenger ;

(*c*)by registered post with acknowledgment due ; and

(*d*)by publication in newspaper in cases where the Authority is satisfied that it is not reasonably practicable to serve the notices or process on any person in the manner mentioned above.

(*2*)The Authority shall be entitled to decide by a speaking order in each case the persons or bodies, if any, who shall bear the cost of such service/publication of the notice or process.

(*3*)Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

(*4*)In the event, any matter is pending before the Authority and the person or body to be served has authorized an advocate, agent or representative to appear for or represent such person in the matter, such advocate, agent or representative shall be deemed to be duly empowered to take service of the notice or process on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service on the person to be served.

(*5*)Where a party to the proceedings serves a notice, the party shall file an affidavit of service with the Authority giving details of proof of service including the date and manner of service of notices and process.

(*6*)Where any application/appeal is required to be published in newspapers it shall be done in the manner specified in Regulation 33.

(*7*)The Authority may also effect service or give directions for effecting service in any other manner it considers appropriate.

(*8*)Save as otherwise provided in the Act or in these Regulations and subject to any direction which the Authority or the Secretary or the Officer designated for the purpose may issue, the applicant/appellant or any other person whom the Authority may make responsible, shall arrange for service or publication of notice or process required to be served or published.

(*9*)In default of compliance with the requirements of the Regulations or directions of the Authority with regard to the service or publication of notice or process thereof, the Authority may either dismiss the application/appeal or give such order or further directions as the Authority deems fit.

(*10*)No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Authority is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity unless the Authority, on an objection taken, is of the opinion that injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

17. *Filing of Reply, Objections.*—(*1*)Every party to whom the notice of any proceedings is issued (hereinafter called the 'respondent') and who intends to oppose or support the same shall file a reply together with documents relied upon within such period, as the Authority may direct, in such number of copies as may be fixed by the Authority which shall not be less than six.

(*2*)In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the Petition and may also state such additional facts as considered necessary for the decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the Petition. The respondent shall file the Memo of Authorisation in

Form 4. The respondent shall also indicate whether he wishes to participate in the proceedings and be orally heard.

(*3*)The respondent shall before filing the reply, serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or his authorized representative and file proof of such service with the office of the Authority at the time of filing the reply.

(*4*)Where the respondent states additional facts as may be necessary for the decision of the case, the Authority may at its discretion allow the applicant/appellant to file a rejoinder to the reply filed by the respondents within such period as may be directed by the Authority. The procedure mentioned above for filing of the reply shall apply *mutatis mutandis* to the filing of the rejoinder.

(*5*)Every person (other than the persons to whom notices, processes, have been issued calling for reply) who intends to file objections or comments in regard to a matter pending before the Authority, shall deliver to the Receiving Officer, the statement of the objection or comments to the matter with copies of the documents and evidence in support thereof within the time period fixed by the Authority for the purpose.

(*6*)The Authority may permit any person or persons as it may consider appropriate including any association or other bodies corporate or any group of water users, to participate in any proceeding before the Authority, if the Authority considers that the participation of such person or persons will facilitate the proceeding and the decision in the matter.

(*7*)In case the Authority is satisfied that any person is interested in any matter pending before the Authority, it may in public interest allow or permit or invite such person to present an opinion or views on that matter, and participate in the proceeding before the Authority on such terms as the Authority deems fit.

(*8*)The person filing objections or comments shall not be entitled to participate in the proceeding to make oral submissions. However, the Authority shall take into account the objections and comments filed by the person(s) after giving such opportunity to the applicant/appellant and the respondents in the proceeding to deal with the objections and suggestions.

18. *Hearings.*— (*1*)The Authority may determine the manner, place, date and time of proceedings, as the Authority deems appropriate for expeditious disposal.

(*2*)The Authority may decide the matter on the Pleadings of the parties or may call the parties to produce evidence by way of affidavit or lead oral evidence in the matter.

(*3*)If the Authority directs evidence of a party to be led by way of an affidavit, the Authority shall provide a reasonable opportunity for the other parties to counter the same by way of affidavit or as and when the Authority deems necessary, allow the other party to cross-examine the deponent of the affidavit.

(*4*)The Authority may direct the parties to file written arguments or submissions in any proceeding before the Authority as deemed appropriate.

19. *Power of the Authority to call for further information, evidence.*— (*1*)The Authority may, at any time before passing orders in any proceedings, require any one or more of the parties or any other person whom the Authority considers appropriate, to produce such documentary or other evidence as the Authority may consider necessary for the purpose of enabling it to pass orders.

(*2*)The Authority may direct the summoning of witnesses, discovery and production of any document or other material objects in evidence, requisition of any public record from any office, examination by an Officer or nominee of the Authority of the books, accounts or other documents or information in the custody or control of any person which the Authority considers relevant to the matter.

(*3*)The Authority may, if it considers appropriate, allow any of the parties or others specified in sub-regulations (1) or (2) above, to adduce such further documentary or other evidence in regard to evidence made available by any of the parties or other persons under the said sub-regulations.

(*4*)The Authority may, at any time, summon and enforce the attendance of any person and examine such on oath.

20. *Reference of issues to others.*—(*1*)At any stage of the proceedings, the Authority shall be entitled to refer such issue or issues in the proceedings as it deems appropriate to any persons including, but not limited to, the Officers and Consultants of the Authority, whom the Authority considers qualified for rendering advice or an opinion thereon.

(*2*)The Authority may nominate from time to time any person including, but not limited to, officers and consultants of the Authority to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.

(*3*)The Authority, may direct the parties to the proceedings to appear before the persons designated in sub-regulations (1) and (2) and to present their respective views and/or make presentation on the subject matter of the proceeding.

(*4*)The report received from such person shall form a part of the record of the case and the parties shall be given the copies of the report. The parties shall be entitled to make their submissions, written either in support or in opposition to the report, as the case may be.

(*5*)The Authority shall duly take into account the report given by the person and the replies filed by the parties while deciding the matter and if considered necessary, examine the person giving the report, provided that the Authority shall not be bound by the report given and shall be entitled to take such decision as it may consider to be appropriate.

21. *Procedure to be followed where any party does not appear.*—(*1*)If, on the date fixed for hearing or any other date to which such hearing may be adjourned, if any party or his authorized agent or representative does not appear when the matter is called for hearing, nor shows sufficient cause for non-appearance the Authority may, in its discretion, postpone the hearing to another date or dismiss the application/appeal for default when such party is the applicant/appellant, or proceed *ex-parte* against if such party is the opponent/respondent, to hear and decide the same.

(*2*)Where an application/appeal is dismissed in default or proceeded *ex-parte*, the person aggrieved may file an application within 30 (thirty) days from the date of such dismissal or being proceeded *ex-parte*, as the case may be, for recall of the order passed, and the Authority may recall the order on such terms as it thinks fit, if the Authority is satisfied that there was sufficient cause for the non-appearance of the person when the same was called for hearing on the date of hearing under sub-regulation (i) above.

22. *Orders of the Authority.*—(*1*)The Authority shall pass orders in such proceedings, and the Chairperson and the Members having attended the hearing of such proceedings shall sign the order/orders.

(*2*)Every order passed by the Authority shall be a reasoned order and the reasons given by the Authority in support of the orders, including those by the dissenting member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.

(*3*)The Authority may pass such ad-interim or interim orders, as the Authority may consider appropriate at any stage of any Proceedings, having regard to the facts and circumstances of the case. The Authority may from time to time amend, vary or vacate the ad-interim/interim order as the Authority as may be considered appropriate.

(*4*)All orders and decisions of the Authority shall be communicated as expeditiously as possible from the date of passing thereof to all parties in the proceeding certified by the signature of the Secretary or the Officer empowered in this behalf by the Chairperson or the Secretary and bear the seal of the Authority. The Authority on its website shall also host such orders.

(*5*)All final orders of the Authority shall be communicated to the parties in the proceedings under the signature of the Secretary or an Officer empowered in this behalf by the Chairperson or the Secretary.

23. *Inspection of records and supply of certified copies*.—(*1*)The records of every proceeding shall be open, as of right, to the inspection of the parties or their authorised representatives at any time either during the proceeding or after the orders are passed, subject to payment of fees and compliance with such other terms as the Authority may direct.

(*2*)The Authority shall, as soon as may be practicable, maintain an indexed database of its records including, *inter alia*, application/appeal filed, details of hearings conducted, orders / documents issued from time to time.

(*3*)The records of every proceeding, except those parts, which for reasons directed by the Authority to be confidential or privileged, shall be open to inspection by any person other than the parties to the application/appeal either during the proceeding or after the orders have been passed, subject to such person complying with such terms as the Authority may direct from time to time including in regard to time, place and manner of inspection and payment of fees.

(*4*)The Authority shall, on such terms and conditions as the Authority considers appropriate, provide for supply of certified copies of documents and papers available with the authority to any person subject to the payment of fee and complying with the term as the Authority may direct.

(*5*)The Authority shall designate an Officer for ensuring timely response to requests received for supply of certified copies of documents. Such Officer shall maintain a register of such requests made in

Form 5 herein and shall endeavour to dispatch the certified copies of documents requested for within a period of 14 (fourteen) working days from the date of receipt of request.

(*6*)The Authority shall wherever considered necessary make information accessible and available to the public, including, *inter-alia*, through its website.

CHAPTER III

INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION

24. *Investigation, Inquiry, Collection of Information and Confidentiality.*—(*1*)The Authority may make such direction or order as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure and, without prejudice to the generality of its powers, including, *inter-alia*, the following :—

(*a*)The Authority may, at any time, direct the Secretary or any one or more Officers or any other person as the Authority considers appropriate to study, investigate or furnish information with respect to any matter within the jurisdiction of the Authority under the Act.

(*b*)The Authority may, for the above purpose, give such other directions as it may deem fit and state the time within which the report is to be submitted or information furnished.

(*c*)The Authority may issue or authorise the Secretary or an Officer to issue directions to any person to produce before it and allow to be examined and kept by an Officer of the Authority directed in this behalf the books, accounts, etc., or to furnish any information to the designated Officer.

(*d*)The Authority may issue such directions, for the purpose of collection of any information, particulars or documents that the Authority considers necessary in connection with the discharge of its functions under the Act.

(*e*)If any such report or information obtained appears to the Authority to be insufficient or inadequate, the Authority or the Secretary or an Officer authorised for the purpose may give directions for further inquiry, report and furnishing of information.

(*f*)The Authority may direct such incidental, consequential and supplemental matters to be attended to which may be considered relevant in connection with the above.

(*2*)If the report or information obtained in accordance with Regulation above or any part thereof is proposed to be relied upon by the Authority for

forming its opinion or view in any proceedings, the parties to the proceedings shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

(*3*)The provisions of the Code of Civil Procedure, 1908, shall with any necessary modifications, apply to the Pleadings under these Regulations as the case may be.

25. *Confidentiality.*— (*1*)The Authority may, by order, direct that any information, documents and other papers and materials produced before it or any of its Officers, Consultants, representatives or otherwise which may otherwise come into their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Authority may also direct that such document, papers or materials shall not be used in any manner except as specifically authorized by the Authority.

26. *Assistance of Experts.*— (*1*)The Authority may, at any time, take the assistance of any institution, Consultants, experts, engineers, chartered accountants, advocates, surveyors and such other technical and professional persons, as it may consider necessary, and authorise them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information.

The Authority may determine the terms and conditions for engagement of such professionals.

(*2*)If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Authority in

forming its opinion or view in any proceedings, the parties in the proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

CHAPTER IV

FINESAND CHARGES.

27. *Imposition of Fines and Charges.*—(*1*)The Authority may initiate a proceeding for imposition of fines and charges upon receiving a complaint or on its own, if the Authority is of the view that the facts made known *prima-facie* constitute non-compliance or violation by any person of any provision or requirement of the Act or of any of the rules or regulations framed there under or directions/orders of the Authority.

(*2*)If the Authority decides on the basis of the information received that there is a *prima-facie* cause to proceed in the matter, a case shall be registered and notice shall be issued to the person responsible for non compliance or violation under sub-regulation (1) above to show cause within a reasonable time as to why the Authority should not impose the fines or charges. The notice shall state the substance of the allegation against such person with specific reference to the alleged non-compliance or violation.

(*3*)On the date fixed in the notice for appearance, the Authority shall explain to the person responsible for non-compliance or violation or such representative as authorised, the nature of non- compliance or violation committed by such person.

(*4*)Where the person responsible for non compliance or violation appears in response to the notice and admits the truth of the allegation by a memorandum in writing, the Authority shall record the response and may impose such fines or charges including compounding the offence as the Authority may consider appropriate in accordance with the provisions of the Act.

(*5*)Where the person responsible for non-compliance or violation on appearance does not admit the alleged violation or non-compliance and demands a hearing, the Authority shall proceed to hear the case in accordance with the provisions of the Act and these Regulations.

(*6*)If any person to whom a notice has been issued fails without reasonable cause to appear before the Authority on the date fixed for hearing or any subsequent date to which the proceeding may have been adjourned, the Authority may at its discretion proceed with the case *ex-parte* in the absence of such person.

(*7*)The Authority shall proceed to hear the complainant and take such evidence or documentary, or by way of affidavit, as may be produced in support of the case and take all such evidence as may be produced by the complainant or the person responsible for non-compliance or violation in his defence.

(*8*)The Authority, at any stage of the proceeding, shall have the power to summon and enforce the attendance of any person who appears to be acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the Authority appears to be material or relevant to the subject matter of the proceeding.

28. *Process for levy and recovery of Fines and Charges.*—(*1*)If on the conclusion of any proceeding under Regulation 27, the Authority is satisfied that a person is liable to fines or charges, it may by order in writing impose such fines or charges in accordance with the provisions of the Act.

(*2*)While determining the quantum of fines or charges, the Authority shall, amongst other, consider the following factors :—

(*a*)the nature and extent of non-compliance or violation;

(*b*)wrongful gain or unfair advantage derived as a result of the non-compliance or violation;

(*c*)loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation, and

(*d*)the repetitive nature of the non-compliance or violation.

(*3*)While passing an order under these regulations, the Authority may award compensation to the complainant or affected party to be paid by the person found to be guilty of non-compliance or violation.

(*4*)The Authority may direct the manner in which the fine charge or compensation is to be paid and the time within which the concerned person should pay the fines, charges or compensation.

(*5*)Unless otherwise varied by special order, the fines, charges or compensation ordered by the Authority under Regulation 28 (*i*) shall be paid within 30 days of the order of the Authority imposing the fine, charge, or compensation or within such extended date as allowed by the Authority.

29. *Withdrawal and Disposal of Complaint.*— (*1*)If a complainant, at any time before a final order is passed in any proceedings satisfies the Authority that there are sufficient grounds for permitting him to withdraw his complaint against the respondent named in the complaint, or if there be more than one respondent, against all or any of them, the Authority may permit the complainant to withdraw the same.

(*2*)If the Authority, is of the opinion that it will not be appropriate to allow the withdrawal of the complaint, the Authority may make orders for the proceedings in the complaint being continued by such other person in the place of the complainant and in such manner as the Authority may consider appropriate.

(*3*)Where the Authority is of the opinion that the continuance of the proceeding under these regulations is unnecessary or is an abuse of the process, it may at any stage, terminate the proceeding for reasons to be recorded in writing.

CHAPTER V

MISCELLANEOUS

30. *Review of the decisions, directions and orders.*— (*1*)Any person aggrieved by a decision or order of the Authority, from which no appeal is preferred or allowed, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within such person's knowledge or could not be produced by such person at the time when the decision/ order was passed by the Authority or on account of some mistake or error apparent from the face of record, or for any other sufficient reason, may apply for review of such order within 60 (sixty) days of the date of decision/ order of the Authority.

(*2*)An application for review shall be filed in the same manner as set out in Regulation 12 of these Regulations.

(*3*)When it appears to the Authority that there is no sufficient ground for review, the Authority shall reject such review application.

(*4*)The application for review shall be accompanied by such fee as may be specified by Authority.

31. *Continuance of Proceedings after death, Liquidation.*— (*1*)Where in any proceeding any of the parties to the proceeding dies or is adjudicated as insolvent or in the case of a company it being under liquidation or winding up or amalgamation/merger, the proceedings shall continue with the successors-in-interest, executors, administrators, receiver, liquidator or other legal representatives of the party concerned, as the case may be. The Authority may however, for reasons to be recorded, treat the proceedings as abated in case the Authority so directs and dispense with the need to bring the successors-in-interest on the record.

(*2*)In case any person wishes to bring on record the successors-in-interest, etc., the application for the purpose shall be filed within 90 (ninety) days from the event requiring the successors-in-interest to be brought on record. Provided that the Authority, if it is satisfied that there is sufficient cause for not filing the application within the time allowed, may subject to such terms and conditions condone the delay.

(*3*)If the person fails to bring on record the successor-in-interest within the time allowed under sub-regulation (*ii*) and in the event the application for condoning the delay in bringing on record the successor-in-interest is filed but not condoned under the proviso to sub-regulation (*ii*) the proceedings against the person deceased shall abate.

32. *Proceedings to be open to public.*— The proceedings before the Authority shall be open to the public subject to availability of sitting accommodation. Provided that the Authority may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceeding of any case shall not be open to the public or any particular person or group of persons.

33. *Publication.*—(*1*)Where any application, petition, appeal, or other matter is required to be published under the Act or these Regulations or as per the directions of the Authority, it shall unless the Act or Regulations otherwise provide, in the absence of any specific direction to the contrary, be advertised prominently within such time as the Authority may direct not less than 3 (three) weeks before the date fixed for hearing in not less than one (1) daily newspaper in English language in two (2) daily newspapers in Marathi having highest State-wide circulation and two (2) daily local newspapers in Marathi language having circulation in the area, in such form as directed by the Authority. Except as otherwise provided, such advertisements shall give a heading describing the subject matter in brief concerned.

(*2*)Except as otherwise provided, such advertisements shall give a heading describing the subject matter in brief.

(*3*)Such advertisement to be published shall be approved by the Officer of the Authority designated for the purpose.

34. *Issue of orders and practice directions.*—Subject to the provisions of the Act and these Regulations, the Authority may, from time to time, issue orders and directions and practice directions in regard to the implementation of the Regulations and procedure to be followed on various matters, which the Authority has been empowered by these Regulations to lay down.

35. *Saving of inherent power of the Authority.*—(*1*)Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Authority to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Authority.

(*2*)Nothing in these Regulations shall deem to limit or otherwise bar the Authority from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, in view of special circumstances of a matter or class of matters and for reasons to be recorded in writing, the Authority deems necessary or expedient.

(*3*)Nothing in these Regulations shall, expressly or impliedly, bar the Authority to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Authority may deal with such matters, powers and functions in a manner it thinks fit.

36. *Interpretation.*— The Authority shall be the final authority for interpretation of these Regulations.

37. *General power to amend/rectify.*—The Authority may, at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any Proceedings before it (including any clerical or arithmetical error in any order passed by the Authority), and all necessary amendments, rectifications shall be made for the purpose of determining the real question or issue arising in the Proceedings :

Provided that if the Authority desires to make amendments or rectifications in order to determine the real question or issue arising the Authority shall provide an opportunity to the parties affected by such amendment or rectification touching the real question or issue to make representations and submissions with respect to the proposed amendment or rectification.

38. *Power to remove difficulties.*—If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to be necessary or expedient for the purpose of removing the difficulties.

39. *Extension or abridgement of time prescribed.*—Subject to the provisions of the Act, the time prescribed by these Regulations or by order of the Authority for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by an order of the Authority.

40. *Effect of non-compliance.*—The failure to comply with any requirement of these Regulations shall not invalidate any proceeding merely by reason of such failure unless the Authority is of the view that such failure has resulted in miscarriage of justice.

41. *Costs.*—(*1*)Subject to such conditions and limitations as may be directed by the Authority, the costs incidental to all Proceedings shall be awarded at the discretion of the Authority and the Authority shall have the powers to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.

(*2*)The costs shall be paid within 30 (thirty) days from the date of the order or within such time as the Authority may, by order, direct. If a party fails to comply with an order for costs within the permitted period, the order of the Authority awarding costs shall be executed forthwith in the same manner as a decree/order of a Civil Court under the Code of Civil Procedure, 1908.

42. *Enforcement of orders passed by the Authority.*— The Secretary shall have the powers to enforce the compliance of the orders passed by the Authority, by the persons concerned in accordance with the provisions of the Act and Regulations and if necessary, may seek the orders of the Authority for directions.

Form 1

[*See* Regulation 13]

(General Headings for Pleadings / Face sheet)

BEFORE THE MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY, MUMBAI

Filing No.

Case No.

(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the application)

AND

IN THE MATTER OF:

(Name and full address of the applicant(s) and name and full address of the respondent(s)) Facts of the case to be stated in brief

Submissions/Grounds in support of the case.

Relief clause: Relief prayer made in the application be stated shortly and specifically.

Place:

Date

Signature of the Applicant.

Form 2

[*See* Regulation 14 (i)]

BEFORE THE MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY, MUMBAI

Filing No.

Case No.

(To be filled by the Office)

IN THE MATTER OF

(Gist of the purpose of the application)

AND

IN THE MATTER OF

(Name and full address of the applicant(s) and name and full address of the respondent(s))

Affidavit

I, …….. son of ……aged……residing at ……do solemnly affirm and state as under:

1.I am the Director/Secretary/Partner/authorised representative of ……. the applicant/respondent in the above matter and am duly authorised and competent to swear this affidavit.

2.The statements made in paragraphs ……of the application/reply are true to my knowledge and belief and statements made in paragraphs …… to …….. are based on information and words and believed by me to be true.

3.I say that there are no Proceedings pending in any court of law/ tribunal or arbitrator or any other authority, wherein the applicants are a party and where issues arising and/or reliefs sought are identical or similar to the issues arising in the matter pending before the Authority.

Deponent

Verification:

Verified at …… on this ….day of ……that the contents of the above affidavit are true to my knowledge and no part of it is false and nothing material has been concealed there from.

( ) (Deponent) Identified be

Mumbai,

Dated

Secretary

Form 3

[*See* Regulation 15 (iv)]

MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY, MUMBAI

Subject: In the mat

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:

Dear Sir/Madam,

I am directed to refer to your application dated [ ] filed on [ ] on the above subject and to inform you that on scrutiny, the following defects have been found:

Form 1 of the Maharashtra Water Resources Regulatory Authority (Conduct of Business) Regulations, 2010.

2. The application does not mention:

(*a*)the provisions in the Regulations under which the application is being filed before the Authority;

(*b*)reasons why the Authority has jurisdiction to try, entertain and dispose of the application;

(*c*)…….. (any other reasons)

3. The name, description and address of the parties have not been furnished in the cause title.

4. The following necessary parties have not been impleaded : (i)
(ii)

5. The application has not been duly signed.

6. The application has not been verified through an affidavit.

7. Theaffidavit is not in Form 2 of the Maharashtra Water Resources Regulatory Authority (Conduct of Business Regulations), 2010.

8. The affidavit has not been signed and sworn before the competent authority.

9. Six identical copies of the application have not been filed.

10. The copies of the application are not complete in all respects.

11. The copies of the documents are not legible.

12. The application is in a language other than English and Marathi.

13. The letter of authorisation has not been filed / not properly executed.

14. The index of documents has not been filed.

15. The pagination of the documents has not been done properly.

You are requested to rectify the defects / objection within 10 days of issue of this letter, failing which the application shall be deemed to have been rejected.

Yours faithfully,

(Secretary)

Form 4

[*See* Regulations 15(1)]

BEFORE THE MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY, MUMBAI

In the matter of

.....

Applicant(s)/Appellant(s) V/s

.....

Respondent(s)

Memo of

Authorisation

I/We, ... the applicant/appellant/respondent above named do hereby nominate, appoint and constitute ....., to act, plead and appear on my/our behalf in the aforesaid matter.

IN WITNESS WHEREOF I/We have set and subscribed my/our hands to this writing on this …… day of ……..

Signatu

re

[Applica

nt/Appellant/Respondent] Date : _____

Address for Correspondence

I/We accept

……

Form 5

[*See* Regulation 23 (v)]

BEFORE THE MAHARASHTRA WATER RESOURCES REGULATORY AUTHORITY, MUMBAI

Application for inspection/ obtaining copies of documents / records I hereby apply for grant of permission to inspect/obtain copies of the following documents/ records in the above case. The details are as follows :—

1. Name and Address of the person seeking permission to inspect/obtain copies of the documents/records.

2. Whether he is party to the case or he is the authorised representative of any party (Furnish necessary particulars).

3. Details of papers/documents sought to be inspected/copies required.

4. Date and duration of the inspection sought.

5. The amount of the payable (as per relevant Regulations) and the mode of payment.

Place :
Date (Signature)

Secretary /Officer /

Nominee of the Authority.

By the order of the Authority,

S. V. SODAL,
Secretary,
Maharashtra Water Resources Regulatory Authority,
Mumbai.