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PART III

Notification by High Court, Labour Commissioner ; Advertisements; Director of Lotteries, Punjab and Notices etc.

THE PUNJAB WATER REGULATION AND DEVELOPMENT AUTHORITY **NOTIFICATION**

The 12th February, 2021

No. 51188: PWRDA-PWRD0MISC/3/2020-PWRDA BRANCH-Part (1)/I/ 18922/ 2021-(7). - In exercise of the powers conferred by Section 36 and other provisions of the Punjab Water Resources (Management and Regulation) Act, 2020 (Punjab Act No. 2 of 2020) and all other powers enabling the Authority in this behalf, the Punjab Water Regulation and Development Authority makes the following Regulations for conduct of its proceedings and discharge of its functions:

CHAPTER I – GENERAL

1.Short title, commencement and interpretation:

(1)These Regulations may be called the Punjab Water Regulation and Development Authority (Conduct of Business) Regulations, 2021.

(2)These Regulations shall extend to the whole of the State of Punjab.

2.Definitions:

(1)In these Regulations, unless the context otherwise requires:

a. **'Act'** means the Punjab Water Resources (Management and Regulation) Act, 2020;

b. **'Affected person'** is any person or group or category of persons whose rights or obligations are directly affected or altered or likely to be affected or altered by any proceeding of the Authority.

c. **'Officer'** means an Officer of the Authority;

d. **'Petition'** shall include any application or representation to the Authority required to be made under the Act or which the Authority has jurisdiction to consider under the Act.

e. **'Fee'** means any fee, charge, cess, levy, penalty, compensation or compounding fee;

f. **'Fund'** means the Punjab Water Regulation and Development Authority Fund;

g. **'Proceedings'** means proceedings of any nature, which the Authority may decide to initiate or hold in the discharge of its functions and include hearings, deliberations & consultations;

h. **'Receiving officer'** means the officer designated for receiving any Petition.

i. **'Secretary'** means the Secretary of the Authority; and

j. **'Water user'** means any person who uses or seeks to use any water whether surface water or ground water for any purpose.

k. **'Water services'** includes the extraction, carriage, storage, supply or disposal of water by any means, the treatment of water, the recycling or reuse of water and all related activities including administration, management, operation, maintenance, repair and the financing thereof; and the design, creation, construction or operation and maintenance of any infrastructure, machinery, equipment etc. required for such purposes.

(2)Words and expressions occurring in these Regulations and not defined herein but defined in the Punjab Water Resources (Management and Regulation) Act, 2020 shall have the same meaning as in the Act. In case where the Act does not explain the meaning of any word or expression, the Punjab General Clauses Act, 1898 shall apply for the interpretation of such word or expression.

3.Authority's offices, office hours and sittings:

(1)Unless otherwise directed, the headquarters and other offices of the Authority shall be open daily except on Saturdays, Sundays and other holidays, as may be notified by the Government from time to time.

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(2)The headquarters and other offices of the Authority shall be open at such timings as the Chairperson may direct.

(3)Where the last day for doing of any act falls on a day on which the office of the Authority is closed and by reason thereof, the act cannot be done on that day, it may be done on the next following day on which the office is open.

(4)The Authority may hold sittings for hearing matters at the headquarters or at any other place on the day and time to be decided by the Authority.

4.Language of the Authority:

(1)The proceedings of the Authority shall be conducted in Punjabi or English.

(2)No petition or document contained in any language other than English or Punjabi shall be accepted by the Authority unless the same is accompanied by a translation thereof in English.

(3)Any translation which is agreed to by the parties to the proceedings or which any of the parties may furnish with an authenticity certificate, may be accepted by the Authority as a true translation of the petition, document etc. in that case.

5.Seal of the Authority:

(1)There shall be a separate Seal of the Authority.

(2)Every order, decision or communication made, notice issued or certified copy granted 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 by the Secretary for the purpose.

6.Functions and Duties of the Secretary:

(1)The Secretary shall report to the Chairperson and shall exercise such functions as are assigned to him by these Regulations or otherwise by the Chairperson.

(2)In particular and without prejudice to the generality of the provisions of clause(1) above, the Secretary's functions shall include:

(i) to receive or cause to be received all petitions, applications, and other filings made to the Authority;

(ii)to assist the Authority in proceedings conducted by the Authority;

(iii)to authenticate or cause to be authenticated the orders passed by the Authority;

(iv)to ensure compliance of the orders passed by the Authority; and

(v)to collect from the State Governments, the Central Government and

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their agencies, water users, entities, or any other person, such information, records, documents, reports as may be considered useful for the purpose of efficient discharge of the functions of the Authority under the Act.

(vi)To correspond with and co-ordinate with the State Governments, Central Government & their agencies.

(3)The Authority may delegate to the Secretary or other officers, such of the functions of the Authority and on such terms and conditions, as the Authority may direct for the purpose.

(4)The Secretary or any other officer designated by him in this regard, shall have the custody of the Seal and records of the Authority.

(5)The Secretary may, with the approval of the Chairperson, delegate to any other Officer of the Authority any function required by these Regulations or otherwise to be performed by the Secretary.

(6)In the absence of the Secretary, such other officer of the Authority, as may be nominated by the Chairperson, may exercise the functions of the Secretary.

(7)The terms and conditions of the services of the Secretary, officers and staff of the Authority shall be subject to such Regulations as may be specified by the Authority in terms of section 8 of the Act.

(8)The Officers and Staff of the Authority shall report to the Secretary who shall function as the Head of the Office.

7.Authorised representative to appear before the Authority:

(1)A person may appear himself or may authorise any of his employees or any other person to appear before the Authority and to act and plead on his behalf.

(2)A person may authorise an advocate or a member of any statutory professional body as the Authority may from time to time recognise for the purpose, to represent him and to act and plead on his behalf before the Authority.

(3)The Authority may, from time to time, decide the terms and conditions subject to which a person may authorise any other person to represent him and to act and plead on his behalf and the type of authorisation to be provided to the Authority for the purpose.

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CHAPTER II

GENERAL RULES CONCERNING THE PROCEEDINGS BEFORE THE AUTHORITY

8.Proceedings before the Authority:

(1)The Authority may, from time to time, hold such proceedings as it may consider appropriate in discharge of its functions under the Act.

(2)The quorum for the proceedings of the Authority shall be Chairperson and one Member.

(3)All matters which the Authority is required under the Act to undertake and discharge through hearings shall be done through hearings in the manner specified under the Act and in these Regulations.

(4)The Authority may hold hearings in matters other than those specified in clause (3), if the Authority considers it to be appropriate.

(5)The Authority may hold consultations with any person or persons before deciding on the initiation of a proceeding in any matter.

(6)The record of all proceedings of the Authority shall be maintained by the Secretary or any other officer authorised by the Secretary in that behalf, and shall be approved by the Chairperson.

(7)Proceedings may be conducted in any appropriate format including by electronic means such as video conferencing or teleconferencing.

9.Initiation of Proceedings:

(1)The Authority may initiate any proceeding Suo moto or on a petition filed by a petitioner, applicant or an affected person.

(2)When the Authority initiates the proceeding, it shall be by a 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 persons and for the filing of replies to the petition in such form as the Authority may direct.

(3)The Authority may, if it considers it to be appropriate, issue orders for issue of public notice inviting comments from affected persons on the issues involved in the proceedings in such form as the Authority may direct.

(4)While issuing the notice, the Authority may if it deems fit, in Suo moto proceedings and in other appropriate cases, designate an officer of the Authority or any other person whom the Authority considers appropriate, to present the matter in the capacity of a petitioner in the case.

 10.Petitions before the Authority:

(1)All petitions shall contain a clear and concise statement of the facts with material particulars, the applicable provisions of law, the relief or decision sought and the basis for such relief or decision.

(2)The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially. All petitions shall be typed, computer typed or printed neatly with black ink in a legible font and with double line spacing.

(3)All petitions shall be filed in four hard copies and one identical soft copy or such other number of copies as the authority may require, and all such copies shall be complete in all respects.

(4)The petition complete in all respects shall be accompanied by such documents, supporting data and statements, as are relevant to the matters in issue in the petition.

(5)The general heading in all petitions before the Authority and in all notices including public notices in proceedings shall be in the Form attached to these Regulations as Appendix 1, unless the Authority directs otherwise.

(6)The petition shall clearly state that either there is no case pending in any court of law or decided by a court of law with regard to the subject matter in the petition or if such a case is pending or has been decided by a court of law, the petition shall provide complete details of all such cases and the orders and decisions therein.

(7)The fee specified by the Authority shall be paid at the time of filing of the petition unless otherwise directed by the Authority.

(8)All Petitions filed shall be supported by an affidavit and every such affidavit shall be in the Form attached to these Regulations as Appendix 2.

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

(10)Every affidavit shall clearly and separately indicate the statements which are true to the:

(i) knowledge of the deponent; and

(ii)information received by the deponent.

(11)Where any statement in affidavit is stated to be true to the information

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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.

11.Presentation, Scrutiny and admission of the petitions:

(1)All petitions shall be presented in person or by any duly authorized agent to the Receiving officer at the headquarters of the Authority or at such other place or places and during the time, as may be notified by the Authority from time to time. The petition may in the alternative be sent by registered post with acknowledgment due to the Authority at the places mentioned above.

(2)The vakalatnama in favour of the Advocate and, in the event the petition is presented by an authorised agent or representative, the document authorising the agent or representative shall be filed along with the petition.

(3)If the petition is complete in all respects after initial scrutiny the presentation and the receipt of the petition shall be duly entered in the register maintained for the purpose by the Receiving officer. If not, the

Receiving Officer shall return the petition for completion, correction or amendment as required.

(4)Upon receipt of the petition complete in all respects, the Receiving officer shall acknowledge the receipt by stamping and endorsing the date on which the petition has been presented and shall issue an acknowledgment with stamp and date to the person filing the petition. In case the petition is received by registered post, the date on which the petition is actually received at the office of the Authority shall be taken as the date of the presentation of the petition, provided it's complete in all respects.

(5)After receipt of the petition as at (3) or (4) above, the Receiving officer shall examine the same in detail and he may return the petition if the petition is not in conformity with the provisions of the Act or these Regulations or directions given by the Authority or is otherwise defective.

The Receiving officer shall advise the person filing the petition of the defects in the petition that are to be rectified and the petition may be presented again after rectification.

(6)A party aggrieved by any order of the Receiving officer in regard to the presentation of the petition may request the matter to be placed before the Secretary for appropriate orders.

(7)The Chairperson or any Member as the Chairperson may designate for the purpose, shall be entitled at any time to call for the petition presented by the
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party and give such directions regarding the presentation and acceptance of the petition as he considers appropriate.

(8)If on detailed examination, the petition is not rejected or any order of rejection is modified by the Secretary or by the Chairperson or the Member designated for the purpose, and the petition is found to be complete in all respects then it shall be registered and given a number.

(9)The petition shall thereafter be placed before the Authority for admission as soon as possible.

(10)The Authority may admit or reject the petition for hearing without requiring the attendance of the party filing the petition. The Authority may, if it considers appropriate, issue notice to such person or persons as it may desire to hear on the petition for admission.

(11)If the Authority admits the petition, it may pass such orders or directions as may be considered necessary, for service of notices to the respondents and other affected persons and for the filing of replies to the petition in such form as the Authority may direct.

12.Fee on petitions:

(1)Every petition made to the Authority shall be accompanied by appropriate fees specified in the Schedule to these Regulations (Appendix-3, Schedule of Fees).

(2)The fees payable under these Regulations shall be paid into the Fund of the Authority by means of a bank draft or pay order drawn on any Scheduled Bank payable at Chandigarh or through electronic means including IMPS, RTGS, NEFT, electronic wallet, credit card, debit card etc. in favour of Punjab Water Regulation and Development Authority provided, however, that amounts less than Rs. 500/- (Rupees five hundred only) maybe paid to the Authority in cash for which a receipt shall be issued to the depositor.

(3)Any fee received by the Authority in cash shall be deposited in the bank account of the Fund maintained by the Authority.

(4)The depositor shall submit proof of the payment of fee along with application/ petition made to the Authority.

(5)The Authority may amend or vary any of the provisions regarding the amount of fee payable as provided in the Schedule to these Regulations by an order to be made by the Authority.

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13.Service of notices and processes issued by the Authority:

(1)Any notice or process issued by the Authority may be served by any one or more of the following modes as may be directed by the Authority:

(i) service by the party filing the petition;

(ii)by hand delivery through a messenger;

(iii)by registered post with acknowledgment due;

(iv)electronically including email, publication on website etc.

(v)by publication in newspaper and/or on electronic form including websites in cases where the Authority is satisfied that it is not reasonably practicable to serve the notice or process on any person in the manner mentioned above.

(2)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 postal address or email address furnished in the petition or proceedings or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

(3)In the event any matter is pending before the Authority and the person to be served has authorized an agent or representative to appear for or represent him in the matter, such 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. It shall be the duty of such agent or representative to duly inform in time, the person whom he represents, of the service of the notice.

(4)Where a notice or process is served by a party to the proceedings either in person or through registered post or digital means, an affidavit of service shall be filed by such party with the Authority giving details of the proof of service (through Registered post or email). The person serving notice shall be bound to provide a hard copy (print copy) if the person receiving notice so requests.

(5)Where any petition is required to be published in newspapers, it shall be done in the manner specified in these Regulations regarding the Publication of petition.

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

(7)The Authority shall be entitled to decide in each case the person(s) who shall

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(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 Petitioner 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 these Regulations or directions of the Authority as regards the service or publication of notice or process, the Authority may either dismiss the petition or give such other or further directions, as it thinks 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 the person served will not be adversely affected by reason of such defect.

(11)No proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Authority is of the opinion that substantial injustice has been caused by such defect or irregularity.

14.Filing of reply, objection etc.:

(1)Each person to whom the notice of any petition or proceedings is issued (hereinafter called the Respondent), shall file the reply and the documents

relied upon within the stipulated period and in such number of copies (including electronic copies) as may be directed by the Authority.

(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 he considers necessary for just decision of the case.

(3)The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition.

(4)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.

(5)Where the Respondent states additional facts, the Authority may allow the Petitioner to file a rejoinder to the reply filed by the Respondent. The procedure mentioned above for filing of the reply shall apply mutatis mutandis to the filing of the rejoinder.

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(6)Any affected person (other than the persons to whom notices, processes, etc. have been issued calling for reply) who intends to file a response in regard to a matter pending before the Authority, pursuant to the public notice issued for the purpose shall deliver to the Receiving Officer the response with copies of the documents and evidence in support thereof within the time fixed for the purpose.

(7)The Authority may permit any such affected person who responds to a public notice as it may consider to be appropriate to participate in the proceedings before the Authority.

(8)Unless permitted by the Authority, a person filing a response pursuant to the public notice shall not be entitled to participate in the proceedings. However, the Authority shall take into account the response filed by such person after giving an opportunity to the petitioner and the respondents in the proceeding to deal with such response.

(9)The response mentioned in sub-Regulation (6) above shall be supported by an affidavit as is the case of petitions in the manner and form specified in these Regulations, and shall be accompanied by such fees as the Authority may fix.

15.Procedure to be followed where any party does not appear:

(1)If, on the date fixed for hearing, any party or his authorized agent or representative does not appear when the matter is called for hearing, the Authority may, in its discretion, postpone the hearing to another date or dismiss the petition for default when the Petitioner or the person who moves the Authority for hearing is absent or proceed ex-parte to hear and decide the petition if the other party is present.

(2)Where a petition is dismissed in default or decided ex-parte, the person aggrieved may file an application within 30 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 and just cause for the non-appearance of the person when the petition was called for hearing on the date of hearing under clause (1)above.

16.Hearings:

(1)The Authority may determine the manner, the place, the date and the time of hearings as the Authority considers appropriate, consistent with such specific timing requirements as are set forth in the Act or otherwise the need to expeditiously decide the matter. The hearings may be held through video

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(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 to lead oral evidence in the matter.

(3)If the Authority directs evidence of a party to be led by way of affidavit, the Authority may, as and when the Authority considers it to be necessary, allow the other party to cross-examine the deponent of the affidavit.

(4)The Authority may direct the parties to file written note of arguments or submissions in any proceeding before the Authority as the Authority considers it to be appropriate.

17.Power of the Authority to call for information etc.:

(1)The Authority may, at any time before passing orders on the matter, require the parties or any one or more of them or any other person whom the Authority considers appropriate, to produce such documentary or other material objects as evidence, as the Authority may consider necessary for the purpose of enabling it to pass orders.

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

(3)The Authority may, if it considers appropriate, allow any of the parties or others specified in clauses (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 clauses.

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

(5)The Authority may receive evidence by of affidavit.

(6)The Authority may authorise the Secretary or other officer to examine witnesses.

18.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 matter as it considers appropriate to persons, including,

PUNJAB GOVT. GAZ. FEBRUARY 19, 2021 (MAGHA 30, 1942 SAKA) PART III but not limited to the officers and consultants of the Authority, whom the Authority considers appropriate.

(2)The Authority may nominate from time to time, any person including, but not limited to, its officers, government officers or consultants, to visit any place or premises for inspection and give a report on the existence or status of the infrastructure, facilities, machinery, equipment, structures etc. at such place or premises.

(3)The Authority, if it thinks fit, may direct the parties to the proceedings to appear before the persons designated in clause (1) or (2) above to present their views on the issues or matters referred to.

(4)The report received from the person shall form a part of the record of the case and parties shall be given the copies of the report. The parties shall be entitled to file their response to the report.

(5)The Authority shall 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.

19.Orders of the Authority:

(1)The Authority shall pass orders on the petition and the Chairperson and/or the Member(s) who heard the matter shall sign the orders.

(2)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 from time to time pass such interim orders in any proceeding, hearing or matter before the Authority, as the Authority may consider to be appropriate. The Authority may from time to time amend,

vary or vacate the interim order earlier passed in the matter as the Authority may consider to be appropriate.

(4)All orders and decisions issued or communicated by the Authority shall be certified by the Secretary or an Officer empowered in this behalf by the Secretary and bear the official seal of the Authority.

(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
PUNJAB GOVT. GAZ. FEBRUARY 19, 2021 (MAGHA 30, 1942 SAKA) PART III this behalf by the Secretary.

20.Inspection of records and supply of certified copies:

(1)Records of every proceeding shall be open to the inspection of the parties or their authorised representatives at any time either during the pendency of the proceeding or after the orders are passed, subject to payment of fee and complying with such other terms as the Authority may direct including in regard to time, place and manner of inspection.

(2)Any person shall be entitled to obtain certified copies of the orders, decisions, directions given by the Authority as well as the pleadings, papers and other parts of the records of the Authority to which he is entitled for inspection under these Regulations subject to payment of fee and complying with other terms which the Authority may direct.

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CHAPTER–III
INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.

21.Collection of information:

(1)The Authority may make such order as it thinks fit in terms of the provisions of the Act for collection of information, inquiry, investigation, entry and inspection and without prejudice to the generality of its powers, undertake the following:

(a)The Authority may specially authorise any officer to enter any building or place where the Authority has reason to believe that any document relating to the subject matter of the inquiry or adjudication with the Authority may be found and to inspect any such document or take extracts or copies therefrom;

(b)In the exercise of powers conferred on it by the Act, the Authority may, at any time, by order in writing, direct any person specified in the order to inspect the affairs of the water user or entity and report to the Authority.

(c)The Authority may from time to time authorise any person to inspect the premises of any water-user or Entity or category or class of such water-users or Entities for the purpose of compliance with directions

and conditions of the Authority or with provisions of the Act, Rules and Regulations framed thereunder.

(d) The Authority may specify the information and records to be maintained by the Entities or Water-users and also direct the manner in which such information shall be reported and the checks and verifications to be adopted;

(e) The Authority may, at any time, direct the Secretary or any one or more officers or consultants or any other person as the Authority considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Authority;

(f) The Authority may for the above purpose give such other directions as it may deem fit and direct the time within which the report is to be submitted or information furnished;

(g) The Authority may issue or authorize 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 specified in this behalf, the books, accounts and other documents;

(h) The Authority may, for the purpose of collecting any information,

particulars or documents which the Authority considers necessary in connection with the discharge of its functions, issue such directions and follow any one or more of the methods provided for in the Act as the Authority considers to be appropriate;

(i) If any such report or information obtained as specified in the Act or in these Regulations 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; and

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

(2) On receipt of the report from the appointed Enquiry officer, and after giving an opportunity to the Entity or water user, as the case may be, to make a representation in connection with the report, the Authority may make an order to require the Entity or water user to take such action in respect of any matter arising out of the report as the Authority may think fit;

(3) The Authority may, after giving reasonable notice to the entity or water user, as the case may be, publish the report submitted by the Enquiry Officer or such portion(s) thereof as may appear to the Authority to be necessary.

(4) 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 ask 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.

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CHAPTER IV

NON-COMPLIANCE OF DIRECTIONS

22.Enquiry regarding failure to comply with Directions:

(1)The Authority may initiate an enquiry upon receiving a complaint or on its own if the Authority has reason to believe that the facts made known prima-facie constitute non-compliance or violation by an entity or water-user or other person of any provision or requirement of the Act or of any of the Rules or Regulations framed thereunder or of directions or orders of the Authority.

(2)If the Authority has reason to believe on the basis of the information received or otherwise that there is a prima-facie cause to proceed in the matter, a notice shall be issued to the person alleged to be responsible for non-compliance or violation to show cause within a reasonable time (not less than seven days) as to why the Authority should not take action on him. 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 Secretary or authorised officer shall explain to the person concerned or his authorised representative, the nature of non-compliance or violation alleged to have been committed by such person.

(4)Where such person 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 take such measures as it may consider appropriate in accordance with the provisions of the Act and the Regulations.

(5)Where such person on appearance does not admit the alleged violation or non-compliance and demands a hearing, the authority shall either proceed in the matter in accordance with the provisions of the Act and Regulations and may appoint an Officer to enquire into the matter.

(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 or the Secretary or the officer authorised for the purpose, 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, or Secretary or authorised officer appears to be material or relevant to the subject matter of the proceeding.

23.Violation of directions issued under Section 15(2):

(1)In case the Authority arrives at a decision that a person has willfully failed to comply with any directions issued or conditions imposed U/s 15(2) of the Act, the Authority may issue orders banning the operation of machinery, using electricity or carrying on any Industrial processes which utilise water in the premises where the violation or failure to comply has occurred.

The Authority may issue orders banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilising groundwater or surface water by any person in violation of such directions or conditions. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures.

(2)In case the Authority arrives at a decision that a person has committed an offence punishable U/s 24 of the Act, it shall refer its report by way of a complaint in writing made by the Secretary or other authorized officer to the criminal court of competent jurisdiction.

(3)The Secretary may accept from a person charged with an offence punishable under the Act, a composition fee for such offence as per the provisions of the Act, upon a written undertaking of the person charged to comply with the orders of the Authority.

Provided that if the offence pertains to violation of an order of the Authority under Section 23(1) then only the Authority shall compound such an offence.

CHAPTER V
OTHER MATTERS

24.Review of 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 his knowledge or could not be produced by him at the time when the decision/order was passed by the Authority or on account of some mistake or error apparent on the face of record, or for any other sufficient reason, may apply for review of such order within 60 days of the date of decision/ order of the Authority.

(2)An application for review shall be filed in the same manner as a petition under Chapter II of these Regulations.

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

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

(5)When the Authority is of the opinion that application for review should be admitted, it shall admit the same and direct to issue notice to the concerned parties.

(6)The review application / petition filed before the Authority shall be dealt with as expeditiously as possible.

(7)No application for review shall be entertained unless it is supported by an affidavit as per these Regulations as applicable to a petition.

(8)The quorum for the meeting of the Authority to review any previous decision taken by the Authority shall be Chairperson and all Members.

(9)When an application for review of any judgment or order has been made and disposed of, no further application for review shall be entertained in the same matter.

25.Continuance of proceedings after death, etc.:

(1)Where in any proceeding any of the parties to the proceeding dies or is adjudicated as an insolvent and in the case of company, it being under liquidation or winding up or subject to amalgamation, merger etc., the proceedings shall continue with the successors-in-interest, executor, administrator, receiver, liquidator or other legal representative of the party

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concerned. The Authority may, for reasons to be recorded, treat the proceeding as abated in case the Authority so directs and dispense with the need to bring the successors-in-interest to come on 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 days from the event requiring the successors-in-interest etc. to come on record.

Provided that the Authority may, if it is satisfied that there is sufficient cause for not filing the application within the time allowed, condone the

delay subject to such terms and conditions, as the Authority may consider appropriate.

(3)If the person fails to bring on record the successor-in-interest etc. within the time allowed under clause (2) and in the event the application for condoning the delay in bringing on record the successor- in-interest is filed but delay is not condoned under the proviso to clause (2), the proceedings against the deceased person shall abate.

26.Proceedings to be open to public:

The proceedings before the Authority shall be open to the public subject to availability of sitting accommodation. The proceedings conducted by electronic means shall be open to the public subject to availability of land width & technological constraints.

Provided that the Authority may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of a case that the public generally or any particular person or group of persons shall not have access to or be or remain in, the room or building used by the Authority for the purpose of conduct of the proceeding.

27.Publication of petition:

(1)Where any application, petition, 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 these Regulations otherwise provide, be published within such time as the Authority may direct and in the absence of any specific direction to the contrary not less than 5 days before the date fixed for hearing and further unless otherwise directed by the Authority such publication shall be done in newspapers at least one each in English and Punjabi Languages having circulation in the area concerned.

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

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(3)Such advertisement to be published shall be approved by the Secretary or any other officer of the Authority designated for the purpose by the Secretary.

(4)A copy of the Publication and related details shall be placed on the website of the authority.

28.Implementation of Regulations:

Subject to the provisions of the Act and these Regulations, the Authority may, from time to time, issue orders and 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.

29.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 bar the Authority from adopting a procedure, which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it 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 and exercise powers and functions in a manner it thinks fit.

(4)All references to the 'Authority' in these Regulations include a reference to the concerned quorum or officer authorised to take the required action or decision on behalf of the Authority.

30.General power to review and rectify:

(1)The Authority may on its own motion review any of its decision, direction or orders and pass such appropriate orders as the Authority thinks fit.

(2)The Authority may, at any time, rectify any defect or error in any proceeding before it.

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31.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 or Rules framed thereunder which appears to it to be necessary or expedient for the purpose of removing the difficulty.

32.Extension or abridgment of time allowed:

Subject to the provisions of the Act, the time allowed by these Regulations or by order of the Authority for doing any act may be extended or abridged by order of the Authority.

33.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.

34.Costs:

(1)Subject to such conditions and limitations as may be directed by the Authority, the cost of all proceedings shall be awarded at the discretion of the Authority and the Authority shall have powers to determine by whom 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 days from the date of the order or within such time as the Authority may, by order, direct. The order of the Authority awarding costs shall be executed in the same manner as the decree or order of a Civil Court.

35.Enforcement of orders passed by the Authority:

The Secretary shall have the power to enforce the compliance of the orders passed by the Authority, by the persons concerned in accordance with the provisions of the Act or the Rules framed thereunder and these Regulations.

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APPENDIX-1

FORM I

(See Regulation 10)

General Heading for Proceedings

BEFORE THE PUNJAB WATER REGULATION AND DEVELOPMENT AUTHORITY, CHANDIGARH

Date:

FILE No.

CASE No.

(To be filled by the Office)

IN THE MATTER OF:

Names and full addresses of the petitioners/applicants along with email and mobile number and names and full addresses (including email and mobile number of respondents if known) of the respondents.

ON THE SUBJECT OF:

(Gist of the purpose of the petition or application)

With reference to Sections , , , of the Punjab Water Regulation & Management Act, 2020.

APPENDIX-2

FORM 2

(See Regulation 10)

BEFORE THE PUNJAB WATER REGULATION AND DEVELOPMENT

AUTHORITY, CHANDIGARH

FILE No.

CASE No.

(To be filled by the Office)

IN THE MATTER OF:

(Names and full addresses of the petitioners/applicants and names and full addresses of

the respondents)

ON THE SUBJECT

(Gist of the purpose of the petition or application)

Affidavit

I, Son/daughter of aged residing at mobile no. email do hereby solemnly affirm and state as follows:

1. I am the petitioner/Director/Secretary/ of Limited and the petitioner in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.
2. All the statements made in the petition which contains paragraphs & pages are true to my knowledge.
3. The statements made in the paragraphs are based on information received from or are based on the records of and I believe them to be true.

Deponent

Verification:

I, the above named deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed therefrom.

Verified at on the day of

Deponent

APPENDIX-3

SCHEDULE OF

FEES

Sr. No.	Nature of Petition/Application	Fee in Rs.
1.	All Petitions excluding objection(s) to be filed under Sections 15(4) and 18 (6) of the Act.	500/-

This notification is issued with the concurrence of Water Resources Department

vide letter no. PWRDA-PWRD0MISC/3/2020-PWRDA BRANCH/I/137269/2021

Dated 01.02.2021.

Sd/-

(ARUNJIT SINGH MIGLANI)

Secretary,

Punjab Water Regulation and Development Authority.

The 12th February, 2021

Chandigarh

[19-1]

2227/2-2021/Pb. Govt. Press, S.A.S. Nagar