

1.

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONAL BENCH, KOLKATA, WEST BENGAL  
FINANCE CENTRE, 3<sup>RD</sup> FLOOR, NEW TOWN

MEMORANDUM OF APPLICATION

[Under Section 18 (1) read with sections 14 of the National Green Tribunal Act,  
2010]

Original Application No. 188 of 2023

Rajkumar Das.

..... Applicant

AND

MOEF & ORS.

.....Respondent

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*Paushali Banerjee*

Paushali Banerjee  
Advocate  
High Court, Calcutta

04 MAY 2024



-1A-

Sl. No. 12/24

BEFORE THE NATIONAL GREEN TRIBUNAL  
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..... Applicant

AND

MOEF & ORS.

.....Respondent



REJOINER TO THE COUNTER AFFIDAVIT OF RESPONDENT NO. 3, STATE LEVEL  
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA), WESTBENGAL

I, Rajkumar Das, Son of Swapan Kumar Das, aged about 45years residing at Malancha Chandpur, Khargapur, Paschim Midnapore-721301, by occupation Service, do hereby solemnly affirm and say as follows:

1. I am the Applicant in this herein and as such I am fully conversant with the fact and circumstances of the case, as such I am competent to affirm this affidavit in this instant matter.
2. I say that before dealing with the Affidavit, the Applicant seek liberty to place on record certain preliminary objections that are crucial for a holistic adjudication of the present matter. It is submitted by the Applicant that that in accordance with the specific conditions of the Environmental Clearance total requirement of water should not exceed 660 cubic meter per day and that requirement should be met from Khargapur Municipality and no ground water can be used by the project proponent.

14 MAY 2024



3. I say that there is an agreement executed by and between Khargapur municipality and respondent no.4 during February, 2024 wherein it was agreed by the Khargapur Municipality 2 MGD water per day. Copy of the Agreement is annexed herewith and marked as Annexure A.
4. I say that respondent no.4 have twelve borewells within the factory premises in Khargapur and the affidavit of respondent no.3 clarifies that only three borewells have the required permission. Pictures of the twelve borewells are annexed herewith and marked as annexure B.
5. I say that in accordance with the notification of Central Ground Water Authority dated 24/09/20 no objection certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water. Relevant pages of the notification are annexed herewith and marked as annexure C.
6. I say that as there is already a source of surface water available to the respondent no.4 as stated hereinbefore, therefore no objection certificate granted by respondent no.3 to respondent no.4 should be revoked by respondent no.3 in compliance of the notification dated 24/09/20 .
7. At the cost of repetition I say that as per the specific conditions of the Environmental Clearance water requirement should not exceed 660 cubic meter per day (660 cubic meter per day water is equal to 0.145 MGD per day) and that requirement should be met from Khargapur Municipality, the agreement of the respondent no.4 with the municipality states that the Municipality will supply 2MGD water per day which is way more than the requirement of respondent no.4. It is therefore clear that unnecessary extraction of ground water should be stopped by the respondent authority.

8. I say that with regards to paragraphs 1,2,3,4,5,6 and 7 save and expect what are matters of record I deny and dispute each and every paragraph of the Affidavit of respondent no.3( herein after referred to as the said Affidavit for the sake of brevity). I specifically say that there are twelve borewells in the premises of respondent no.4 and deny that three borewells exists in the premises of respondent no.4 as stated in paragraph 5 of the said Affidavit. I say that the no objection certificate granted by the respondent no.3 for the borewells in the premises of respondent no.4 should be revoked.

VERIFICATION

I, Rajkumar Das, Son of - Swaparn kumar Das, aged about 45 years residing at Chandipur P.O- Rakhajungle, P.S- Kharagpur (Local), Dist- paschim Medinipur, by occupation - Private Service , do hereby verify that the contents of the paragraphs ~~1,2,4~~ are true to my personal knowledge and belief and/ or based on information and/or derived from sources which I verily believe to be true and the paragraph ~~2,3~~ <sup>2,3,5,6,7,8</sup> are my humble submissions before this Hon'ble Bench based upon legal advice and I have not suppressed any material facts and circumstances.

*Raj Kumar Das*

Signature of the applicant

Identified by me

*Panchabikay -  
Scho met*

**NARENDRA PRASAD GUPTA**  
**NOTARY**  
GOVERNMENT OF INDIA  
REGN. NO.-13823/2018

&  
ADVOCATE, HIGH COURT CALCUTTA  
8, Old Post Office Street (Ground Floor)  
Opp. F-Gate (High Court)  
Mob.-8910578874  
9893185090

L.T.I.(s)/Signatures(s) of the  
Executant/s attested by me on identification

**NARENDRA PRASAD GUPTA, NOTARY**  
Advocate, HIGH COURT, KOLKATA  
Regd. No.-13823/2018, Govt. of India



**14 MAY 2024**



পশ্চিমবঙ্গ পশ্চিম বঙ্গাল WEST BENGAL

84AB 616911

### AGREEMENT OF WATER SUPPLY.

This Agreement is made on this the \_\_\_\_\_ day of **FEBRUARY, TWO THOUSAND & TWENTY-FOUR A.D.**

**BETWEEN**

The Board of Councillors of Kharagpur Municipality represented by the Chairperson, Kharagpur Municipality & having its Office at Jhapetapur, Kharagpur, P.O.-Kharagpur, P.S.-Kharagpur (Town), District-Paschim Medinipur.

*Rajani Ghosh*  
Chairperson  
Kharagpur Municipality



*Harendra Prasad Gupta*  
Notary

.....Hereinafter called the Kharagpur Municipal Authority of the **FIRST PART** (which term unless repugnant to the context shall mean successor in office or legal representatives of the first party).



*Manoj Kumar*

(2)

AND

*Kalyani Ghosh*  
Chairperson  
Kharagpur Municipality  
*Anant Kajwan*



**M/S RAMSARUP INDUSTRIES LIMITED**, at Saha Chowk, Nimpura, P.O. -Sahachawk, P.S.-Kharagpur (Local), District -Paschim Medinipur; having its registered office at S.S chamber, 5 C.R Avenue, Kolkata-700072.

..... Hereinafter called the Consumer of the **SECOND PART** (which term unless repugnant to the context shall include it's assignees or legal representatives).

**WHEREAS** as per request & application of the Second Party / Consumer; the Board of Councillors of the Kharagpur Municipality in it's meeting dated **24<sup>th</sup> January, 2024**, principally agreed to supply excess water to the second party.

AND

**WHEREAS** in It's meeting of Board of Councillors, dated **06<sup>th</sup> February, 2024** vide resolution no ( miscellaneous), it has been resolved that there is sufficient excess water and the first party may supply a maximum of **2MGD** of water to **M/s Ramsarup Industries Limited** i.e. the Second party, as a bulk consumer.



Contd. P/3.

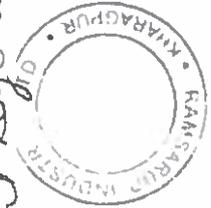
(3)

AND

*Rajyami Ghosh*

Chairperson  
Kharagpur Municipality

*Anwar Kojwarsingh*



**WHEREAS** the Kharagpur Municipal authority has decided to supply make up water to the consumer, for the purpose of Industrial / Commercial / domestic use at the site of the company at **Saha Chowk**, Nimpura, P.O. -Saha Chowk, P.S.-Kharagpur (Local), District -Paschim Medinipur.

AND

**WHEREAS** the consumer company has agreed to purchase water from the Kharagpur Municipal Authority on the terms and conditions hereinafter appearing.

**NOW THEREFORE**, the parties hereto, hereby covenant with each other to observe and perform the following terms and conditions.

**TERMS AND CONDITIONS OF WATER SUPPLY :**

1. That Municipal authority will supply **2 MGD water per day**, to the consumer at the factory site of the second party at Saha Chowk, Nimpura, P.O. - Sahachawk, P.S.-Kharagpur (Local), District Paschim Medinipur for commercial & / or domestic use @ **Rs. 25.35 (Rupees Twenty-five point three-five paise only)** per Kilo Litre; for an initial period of one year from the date of starting of supply.



*Anwar Kojwarsingh*

Contd. P/4.

(4) *Kalyani Ghosh*  
Chairperson  
Kharagpur Municipality

*Anant Koywarshy*



2. That **Make up water** will be supplied to underground water reservoir, to be constructed/ repaired by the consumer, within its premises.

In no circumstance, water will be drawn directly by pumping from the service connection.

3. That the supply of water would exclusively depend upon the availability of source of water, in case of unavailability of water from its source due to lean period/ summer/ natural calamities etc, the 1<sup>st</sup> party should not be liable for supply.

4. That in case of interruption & / or shortage of water due to above reasons &/or for any other act of god, the 2<sup>nd</sup> party would not make 1<sup>st</sup> party liable for that & / or take any action against 1<sup>st</sup> party. First priority and obligation of the first party is towards the inhabitants of Kharagpur Municipality and excess water only would be supplied.

5. That supply will be metered and meter rent @ **Rs. 5000/- (Rupees Five thousand only)** per month will be payable by the consumer.

6. That suitable water meter will be supplied and installed by the Kharagpur Municipal authority at the sending end (Jharia Head Works). The meter will

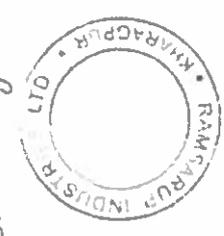
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*[Handwritten signature]*

(5) *Kalyani Ghosh*  
Chairperson  
Kharagpur Municipality

*Anant Sejwansingh*



be sealed by the Kharagpur Municipal Authority to avoid tampering. The water meter will be maintained by the Kharagpur Municipal Authority or it's agency. The second party will be at liberty to inspect the meter from time to time as and when required.

7. That monthly bills will be raised against consumption of water at the rate mentioned hereinabove for payment within the due date, and a penalty charge @ **Rs. 1.00 per 1000 litres** or at any other rate, as may be revised by the authority from time to time, will be charged, if the bill is not paid within the due date.

8. That the Kharagpur Municipal authority shall have the right to revise from time to time, the rate of water charges and connection charges as mentioned above in every year & as and when considered necessary. The penal rate may also be revised as and when considered necessary.

Presently, water is being supplied @ **Rs.25.35 (Rupees Twenty-five and paise thirty-five only) per Kilo Litre for one year**, as because it is a new venture of the company at Kharagpur from which the local people would be benefited. After asserting the rate of water supply from different establishments,



*[Handwritten signature]*

(6) *Kalyani Ghosh*  
Chairperson  
Kharagpur Municipality

*Anant Sajwan*



such as Haldia Development Authority, Asansol - Durgapur Development Authority & others, it was found that the rate of Haldia Development Authority was/is highest i. e. Rs.25.30 per kilo litre and accordingly Rs. 25.35 per kilo litre of water, is fixed as supply rate for the first year of supply.

9. That if the bill is not paid within **30 days** from the due date, the water connection will liable to be cut off with a prior notice and re-connection charges to the tune of Rs. 1,00,000/- (One Lakhs only) will have to be borne by the consumer. The reconnection charges are also subject to revision from time to time.

10. That if no water is consumed or water consumption is less than **50%** of the sanctioned quantity, consumer will have to pay the minimum charge at the rate of **65%** of the water charge for the quantity of water sanctioned to the company / consumer, at the rate fixed by the Authority, from time to time. However, the First party will consider any difficulty in taking water by the Second party due to natural calamity.

11. That no water in excess of the sanctioned quantity of **2 MGD** per day may be drawn.



*Prasad Guha*  
Notary

Contd. P/7.

(7) *Kalyani Ghosh*  
Chairperson  
Kharagpur Municipality

*Anant Kajjearing*



If more excess water is produced by the first party and if the first party is interested to supply the same to the second party; first party would communicate and thereafter the second party may apply to the First Party which application may be considered by the first party, at the rate to be fixed by the first party, at that time.

12. That the K.G.P. Municipal authority assumes no responsibility in case of failure of water supply due to power failures, major breakdown of supply system or any other reason which is beyond control of the Authority &/or due to natural calamity.

13. That if the water meter is out of order or do not function, due to any reason whatsoever; during any period, the bill for the said period will be prepared on the basis of average consumption for three previous bills or on other agreed reasonable basis, as may be determined by the Authority and will be binding on consumer.

14. That security deposit of Rs. 35,00,000/- (Thirty - five Lacs only) is to be deposited by the Second Party unto the First Party, within a month from the date of this agreement.



*Anant Kajjearing*

Contd. P/8.

(8) *Kalyani Ghosh*

Chartered  
Kharagpur Municipality

*Anant Kojewari by*



15. That the consumer is to bear all the principal & allied expenses (such as cost of materials, cost of water meter, laying labour / other charges etc.) for laying/repairing of 500 M.M. Dia D.I. rising main from Jharia Head Works to the premises of Ramsarup Industries Limited at Saha Chowk, Kharagpur with other relevant expenses; as may be fixed & called for by the first party. The water pipe line will be the property of the second party / consumer & dedicated to the second party's project. consumer would never claim any adjustment for this expenditure incurred by it, on any argument, whatsoever & at any point of time.

16. That the Kharagpur Municipality may, at it's discretion, revise the terms and conditions, regarding supply of water to the consumer, with prior intimation to the consumer/ company.

17. That the consumer / company will not make any structural changes, additions, alterations and / or interfere the water supply line, without prior permission in writing, from 1<sup>st</sup> Party / Kharagpur Municipal authority.

18. The consumer / company, shall be held responsible for any material and /or any other



*N. Prasad Gupta*  
Adv.

(9) *Kalyani Ghosh*  
Chairperson  
Kharagpur Municipality

*Anant Kojewarsky*

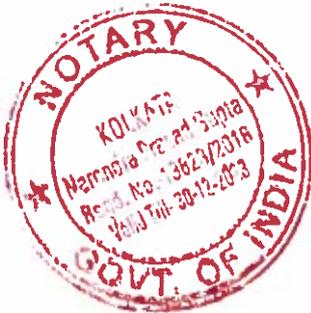


damage of the water pipe line, etc. from the point after the water meter at Jharia, to the underground reservoir within the premises of the second party and it shall repair and / or make replacement of the water pipe line at it's own costs. Exemption for payment would not be allowed on the ground of damage in water supply pipe line.

19. That the consumer / company, hereby declare that it shall not raise any objection, if authorised persons of the Chairperson, deputed for the inspection or repair and / or maintenance work of water supply pipe line enters in it's premises and it further declares that it shall not allow any other person to take water supply without prior written permission from the Chairperson.

20. That the Second Party, further declares that it will inform the first party about any fault and / or damage in the water pipe line under it's control and the second party itself will repair the fault and / or damage of the pipe line & the second party/consumer will bear the cost of such repair.

21. That the second party, further promises that, it would not claim any compensation from the First party, if the water supply is stopped and / or affected



*Prasad*  
*Adv.*

*Kalyani Ghosh*

Chairperson  
Kharagpur Municipality

*Anant Kojicouring*



(10)

due to electrical and / or mechanical fault and / or damages in the water supply system or by any electricity failure or by any natural calamity. However, the first party will put it's utmost effort to restore the water supply at the earliest.

22. That to prevent any damage or tampering of the water supply meter, joint visit in every three months would be held by the parties though the control of the meter would absolutely be with the first party.

23. That it is categorically stated and clearly understood that the First priority would always renderwater supply to the inhabitants of the Kharagpur Municipal area as first priority, in all relevant times to come. There-after second priority will be to supply 2 M.G.D. of water to the second party.

24. That the second party will arrange relevant permissions from the national high ways authority and railways for the laying of the pipeline, if required.

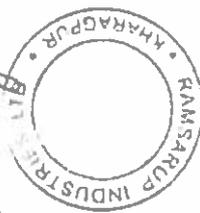
25. That if there arises any difficulty beyond the control of second party, in taking water supply for labour dispute etc., then the second party will request the 1<sup>st</sup> party to stop supply of water for a



*[Signature]*  
A. Ghosh

(11) *Kalyani Ghosh*  
 Chairperson  
 Kharagpur Municipality

*Anant Kajwanshy*



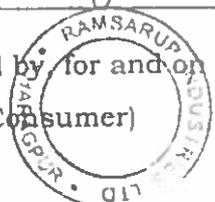
specified period and the application will be considered by the I party and no water charge will be applicable for that period.

26. That the relevant terms of this agreement will come into force from the respective/relevant dates.

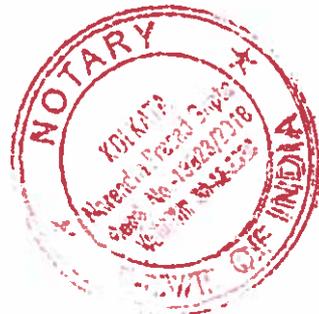
**IN WITNESS WHEREOF** the Chairperson, Kharagpur Municipality on behalf of the Board of Councillors of Kharagpur Municipality & the resident head of M/s RAMSARUP INDUSTRIES LIMITED do hereby sign these presence on the day, month & year as noted hereinabove.

*Kalyani Ghosh*  
 Chairperson  
 Kharagpur Municipality  
 (Signed by, the Chairman)  
 Kharagpur Municipality)

*Anant Kajwanshy*  
 (Signed by for and on behalf  
 of the Consumer)



Address : Address :



1. **Witness :**  
*Atas Rikhat*  
 S.A.E, K&PMUN

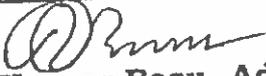
2. **Witness:**  
*Pina chowdhury*  
 Com. Kharagpur Municipality

1. **Witness :**  
*Deepak Kumar Agrawal*  
 DGM, Commercial  
 FE-516, FE Block,  
 Bidhanagar, Kolkata-700106.

2: **Witness :**  
*Sunit Chatterjee*  
 Director RIL  
 90646 85575  
 Contd. P/12.

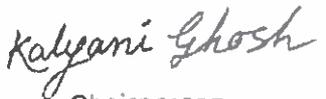
(12)

Drafted by me & prepared in my office. Typed by me.

  
Partha Kumar Basu, Advocate.  
District Judge's Court, Midnapore.  
Enrolment No.-F/659/418/81.

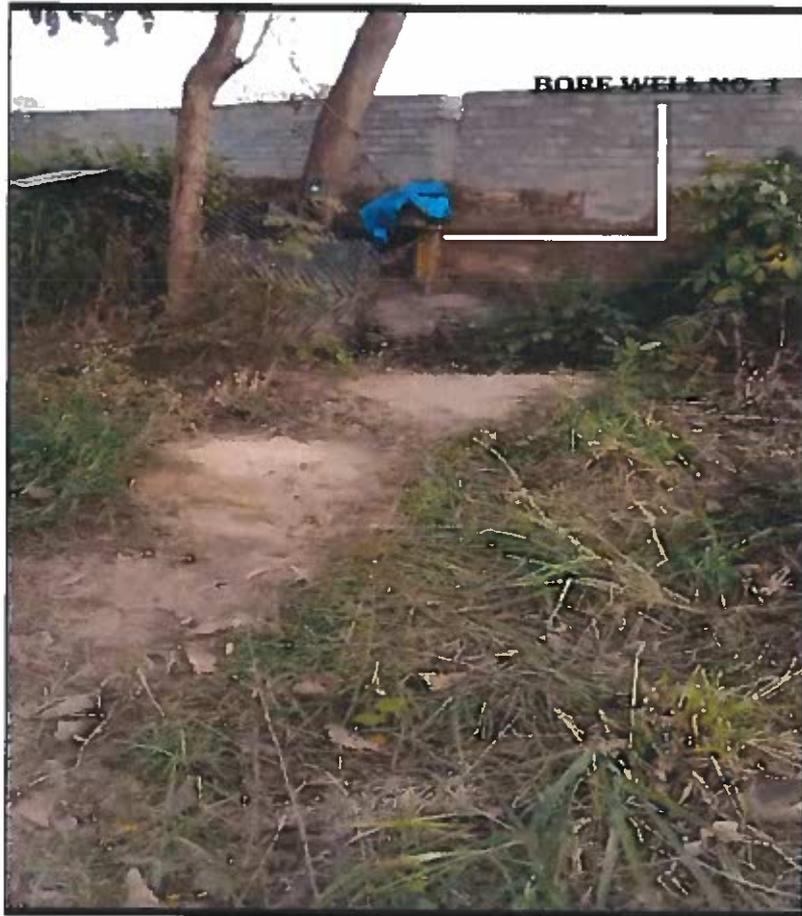
This deed of agreement contains Twelve sheets, including one stamp paper and here are four witnesses only.

  
Adv.

  
Chairperson  
Kharagpur Municipality



**BORE WELL NO. 1**



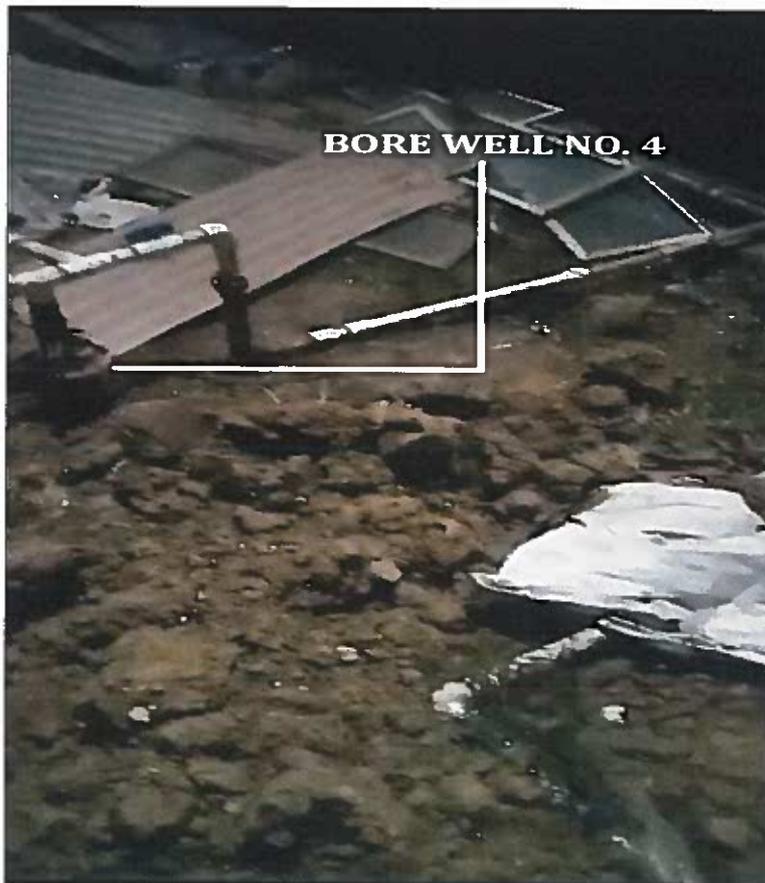
**BORE WELL NO. 2**



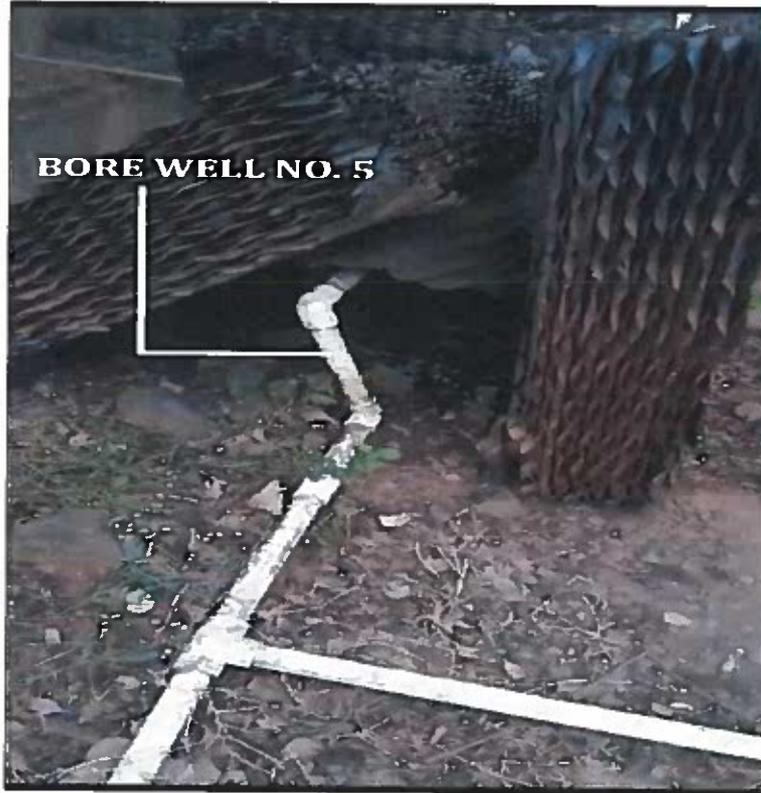
BORE WELL NO. 3



BORE WELL NO. 4



**BORE WELL NO. 5**



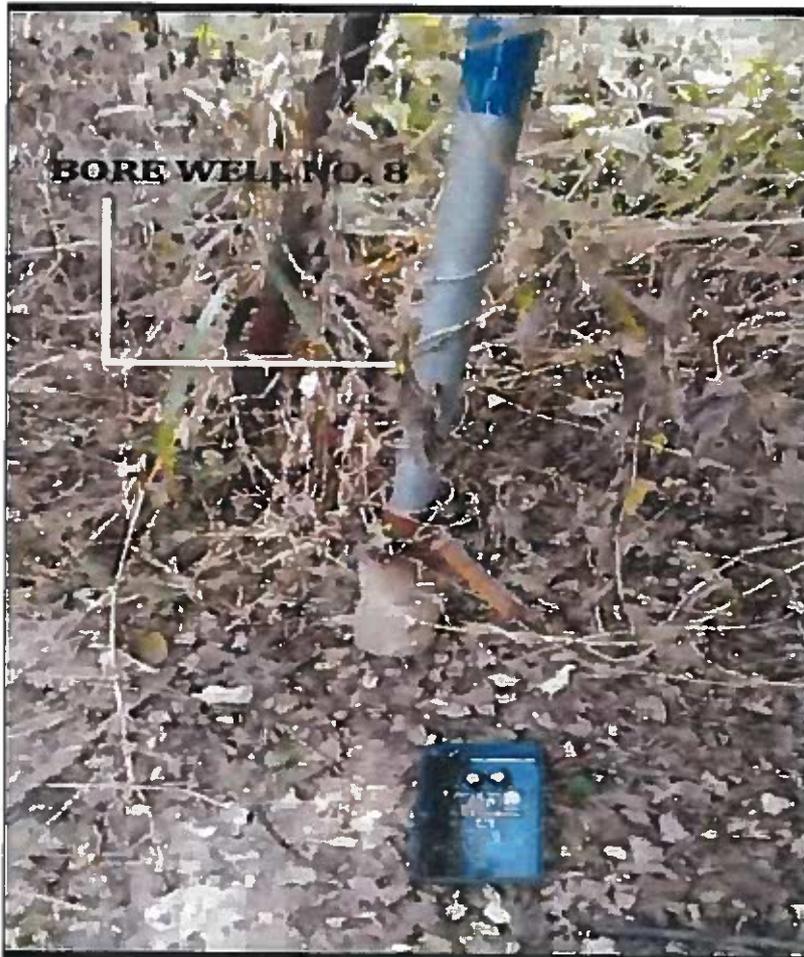
**BORE WELL NO. 6**



**BORE WELL NO. 7**

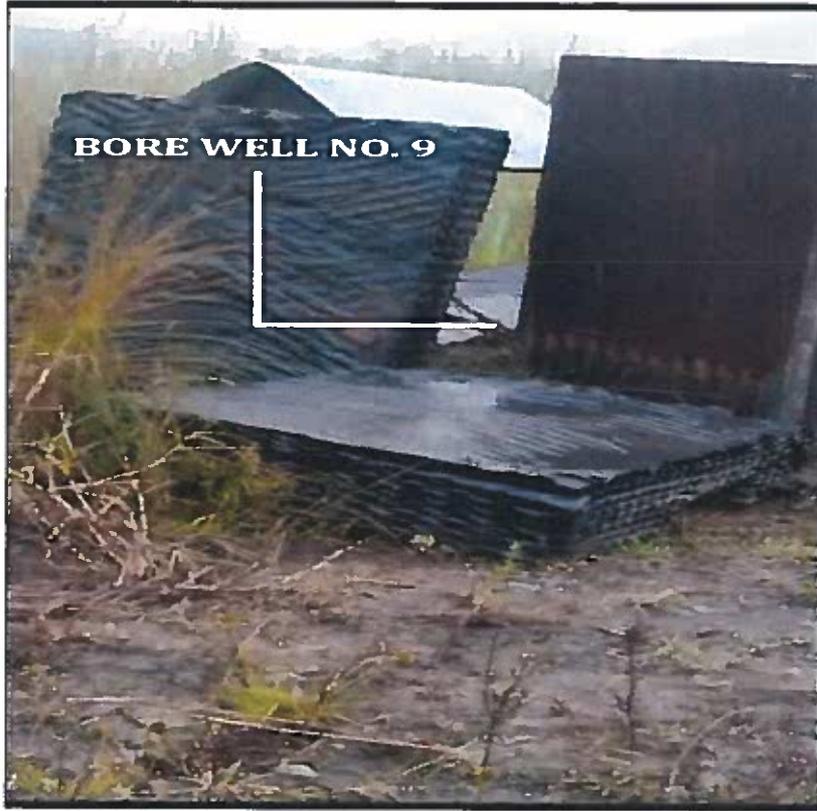


**BORE WELL NO. 8**

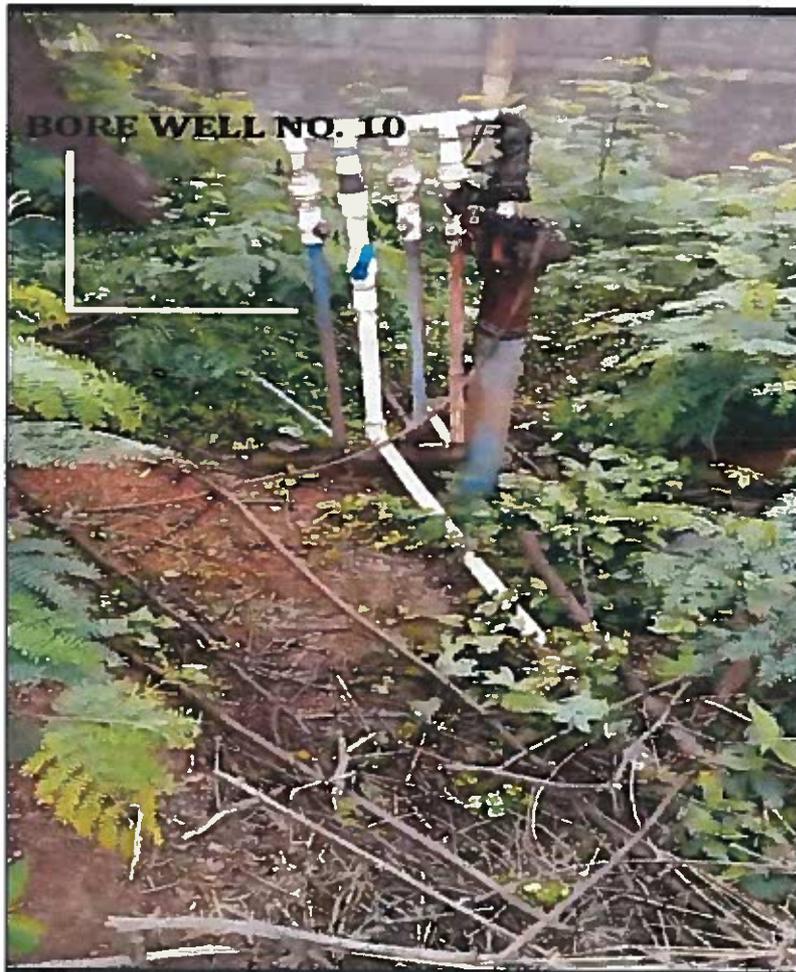


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**BORE WELL NO. 9**



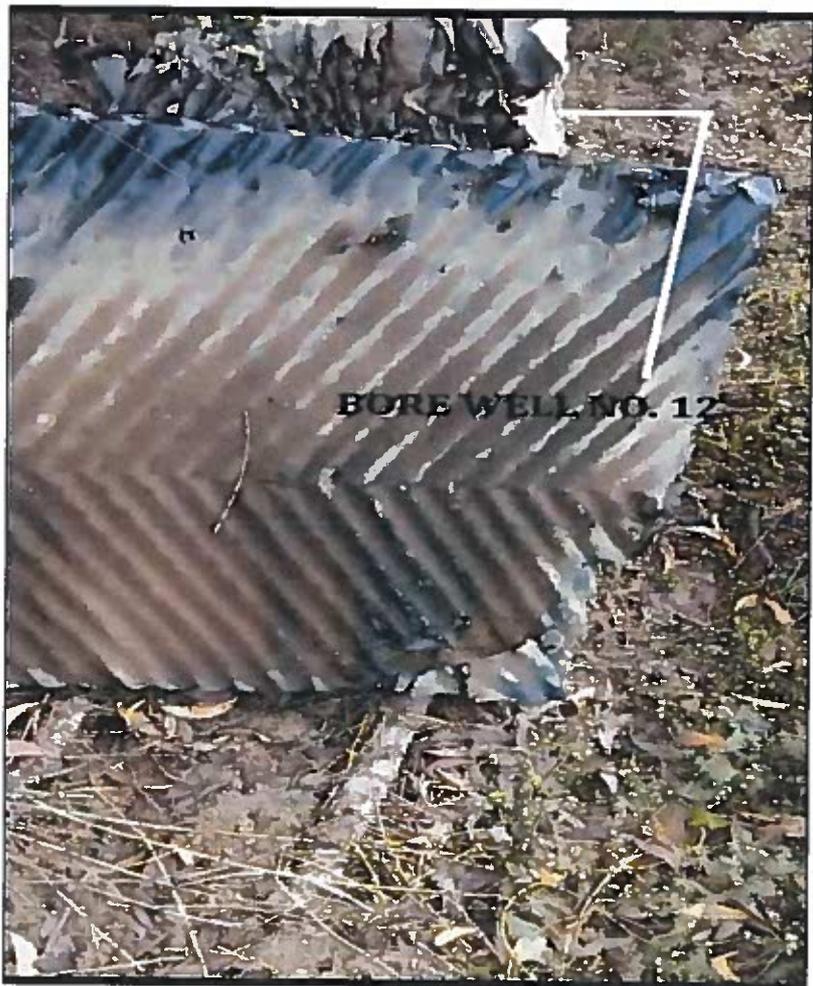
**BORE WELL NO. 10**



**BORE WELL NO. 11**



**BORE WELL NO. 12**





**MINISTRY OF JAL SHAKTI**  
**(Department Of Water Resources, River Development And Ganga Rejuvenation)**  
**(CENTRAL GROUND WATER AUTHORITY)**

**NOTIFICATION**

New Delhi, the 24th September, 2020

**S.O. 3289(E).**—WHEREAS, on the directions of Hon'ble Supreme Court vide its order dated the 10th December, 1996 passed in Civil writ Petition No 4677 of 1985, MC Mehta Vs Union of India, the Central Government constituted the Central Ground Water Authority (hereafter referred to as the 'Authority') vide notification number S.O. 38 (E), dated the 14<sup>th</sup> January, 1997 to exercise powers under Section 5 of the Environment (Protection) act, 1986 (29 of 1986) for the purposes of regulation and control of Ground Water management and development and to exercise certain powers and perform certain functions relating thereto;

AND WHEREAS, the Authority has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure projects or Mining Projects etc., and framed guidelines in this connection from time to time in twenty two States and two Union territories, where ground water development is not being regulated by the State Government Union Territory administration concerned;

AND WHEREAS, some of the State Governments or, Union territories enacted legislations and issued regulatory directions or orders for regulating ground water development and management;

AND WHEREAS, the Hon'ble National Green Tribunal, New Delhi vide order dated the 15<sup>th</sup> April 2015 in OA Nos. 204/205/206 of 2014 has issued directions to the Authority to ensure that any person operating tube-well, or any means to extract ground water shall obtain permission from the Authority and shall operate the same subject to the law in force, even if such unit is existing unit or the unit is yet to be established;

AND WHEREAS, the said Hon'ble Tribunal vide its order dated the 09<sup>th</sup> July, 2015 in OA Nos. 34 and 37 of 2014 directed all industrial units which are members of the Common Effluent Treatment Plants (CETPs) to approach the Authority through State Pollution Control Board for obtaining 'No Objection Certificate' in accordance with the law;

AND WHEREAS, the aforesaid Hon'ble Tribunal vide order dated the 13<sup>th</sup> July, 2017 in OA No 200- of 2014 directed that every industry should be directed to pay for extraction of such water, that too, subject to the conditions stated in the order permitting such extraction;

AND WHEREAS, the said Hon'ble Tribunal vide its order dated the 28<sup>th</sup> August, 2018 in O.A. Nos. 176 of 2015 and 59 of 2012 respectively directed the Ministry of Water Resources, River Development and Ganga Rejuvenation to forthwith review the existing mechanism so as to ensure effective steps for conserving the groundwater resources;

AND WHEREAS, in pursuance of the directions of the Hon'ble National Green Tribunal and powers conferred by sub-section (3) of section 3 and section 5 of the Environment (Protection) Act, 1986 the Authority, with a view to protect the ground water resources had circulated the draft guidelines for grant of 'No Objection Certificate' on the 11<sup>th</sup> October, 2017 inviting comments and suggestions from all the stakeholders;

AND WHEREAS, all objections and suggestions received in response to the said draft guideline have been duly considered by the Central Government, the Authority notified the guidelines to regulate groundwater over-exploitation and to conserve the groundwater resources in the country vide notification number S.O. 6140 (E), dated the 12<sup>th</sup> December, 2018;

AND WHEREAS, the aforesaid Hon'ble Tribunal vide order dated the 03<sup>rd</sup> January 2019 in the OA No. 176 of 2015 directed that the above mentioned notification dated the 12<sup>th</sup> December, 2018 may not be given effect to as it is unsustainable if tested on 'Precautionary Principle, Sustainable development as well as Inter-generational Equity Principles' and if implemented, will result in fast depletion of groundwater and damage to water bodies and will be destructive of the fundamental right to life under Article 21 of the Constitution of India;

AND WHEREAS, the said Hon'ble Tribunal vide order dated the 11<sup>th</sup> September, 2019 constituted a committee to deliberate on steps for preventing depletion of groundwater, robust monitoring mechanism

against unauthorised extractions and fulfillment of 'No Objection Certificate' conditions, environment compensation etc and to submit a report;

AND WHEREAS, the aforesaid committee submitted the report along-with draft guidelines to regulate groundwater extraction and groundwater conservation in Hon'ble Tribunal on the 16<sup>th</sup> March, 2020;

AND WHEREAS, the above said Hon'ble Tribunal vide order dated the 20<sup>th</sup> July, 2020 directed to comply with certain points for sustainable groundwater management while issuing 'No Objection Certificates' to commercial establishments by the Authority;

Now therefore, in pursuance of the directions of Hon'ble National Green Tribunal and the powers conferred by sub-section (3) of Section 3 read with Section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Department of Water Resources, River Development & Ganga Rejuvenation, hereby notifies the guidelines to regulate and control groundwater extraction in the country in supersession to this Ministry notification vide S.O. 6140 (E), dated the 12<sup>th</sup> December, 2018 as per the Schedule below:

### SCHEDULE

#### Guidelines to regulate and control ground water extraction in India

(with immediate effect)

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ASHISH KUMAR, Director



## ANNEXURES

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- Annexure II: Guidelines for construction of piezometers and monitoring of groundwater levels and quality.
- Annexure III: Measures to be adopted to ensure prevention from pollution in the plant premises of polluting industries/ projects.
- Annexure IV: Outline of hydro-geological report for obtaining No Objection Certificate for industries.
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- Annexure VIII: List of States/ Union territories where ground water extraction is being regulated by Central Ground Water Authority (CGWA)
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- Guidelines to regulate and control groundwater extraction in India

**Preamble and Background:**

On the directions of Hon'ble Supreme Court vide its order dated 10th December, 1996 passed in Civil writ Petition No 4677 of 1985, MC Mehta Vs Union of India, the Central Government had constituted the Central Ground Water Board as Authority vide notification number S.O. 38 (E), dated the 14<sup>th</sup> January, 1997 to exercise powers under sub section (3) of section 3 of the Environment (Protection) act, 1986 (29 of 1986) for the purposes of regulation and control of Ground Water Management and Development and to exercise certain powers and perform certain functions as per the said Act.

The Authority has been regulating ground water development and management by way of issuing 'No Objection Certificates' for ground water extraction to industries or infrastructure projects or Mining Projects etc., and framed guidelines in this connection from time to time applicable in twenty two States and two Union territories, where ground water development is not being regulated by the State Government and Union territory administration concerned.

To have sustainable management of water resources in the country groundwater abstraction guidelines have been prepared to regulate groundwater extraction and conserve the scarce groundwater resources in the country.

These guidelines will come into force with immediate effect from the date of Gazette Notification and will supersede all earlier guidelines issued by the Central Ground Water Authority (CGWA).

These guidelines will have pan India applicability. Ground water abstraction in States/ Uts (which are not regulating ground water abstraction) shall continue to be regulated by Central Ground Water Authority.

Further, wherever States/ Uts have come out with their own groundwater abstraction guidelines, which are inconsistent with the CGWA guidelines, the provisions of CGWA guidelines will prevail. However, in case the guidelines followed by such States/ Uts contain some more stringent provisions than CGWA guidelines, such provisions may also be given effect to by the States/ Uts Authorities in addition to those contained in the CGWA guidelines. States may be at liberty to suggest additional conditions/ criteria based on the local hydro-geological situations which shall be reviewed by CGWA/Ministry of Jal Shakti, Government of India before acceptance.

All new/existing industries, industries seeking expansion, infrastructure projects and mining projects abstracting ground water, unless specifically exempted under Para 1.0 below, will be required to seek No Objection Certificate from Central Ground Water Authority or, the concerned State/ UT Ground Water

Authority as the case may be. The entire process of grant of No Objection Certificate shall be online through a web based application system.

Water management plans shall be prepared by all the State Ground Water Authorities/ Organizations for all Over-exploited, Critical and Semi-critical assessment units starting with Over-exploited units. Water management plans shall be reviewed and updated periodically. Water management plans, data on water availability and scarcity and policy framed in this regard shall be placed on the websites of Central Ground Water Authority/ State Ground Water Authority.

#### 1.0 Exemptions from seeking No Objection Certificate:

Following categories of consumers shall be exempted from seeking No Objection Certificate for ground water extraction:

- (i) Individual domestic consumers in both rural and urban areas for drinking water and domestic uses.
- (ii) Rural drinking water supply schemes.
- (iii) Armed Forces Establishments and Central Armed Police Forces establishments in both rural and urban areas.
- (iv) Agricultural activities.
- (v) Micro and small Enterprises drawing ground water less than 10 cum/day.



#### 1.1 Registration of Drilling Rigs

State / Ut Governments shall be responsible for registering drilling rigs operating within their jurisdiction and for maintaining the database of wells drilled by them. Appropriate link shall be provided in CGWA portal for making the data available to CGWA.

#### 2.0 Drinking & Domestic use for Residential apartments/ Group Housing Societies/ Government water supply agencies in urban areas

For grant of No Objection Certificate for ground water extraction, the project proponent has to furnish the details as per the guidelines issued by the CGWA in proper format as available in CGWA website. No Objection Certificate for new /existing wells shall be granted only in such cases where the local Government water supply agency is unable to supply requisite amount of water in the area.

No Objection Certificate shall be granted subject to the following specific conditions:

- i) Installation of Sewage Treatment Plants shall be mandatory for all residential apartments/ Group Housing Societies where ground water requirement is more than 20 m<sup>3</sup>/day. The water from Sewage Treatment Plants shall be utilized for toilet flushing, car washing, gardening etc.
- ii) The No Objection Certificate shall be valid for a period of five years from the date of issue or till such time local Government water supply is provided to the project area, whichever is earlier. In case the project proponent receives water supply from the concerned local Government Water Supply Agency during the validity of the No Objection Certificate, intimation regarding availability of public water supply shall be sent by the project proponent to CGWA and No Objection Certificate will be cancelled by the Authority. In other cases, the project proponent will apply for renewal of No Objection Certificate, ninety days before the expiry of No Objection Certificate.
- iii) Proponents shall be liable to pay ground water abstraction charges for the quantum of ground water proposed to be extracted, as per rates mentioned in Table 5.1.

#### Documents to be submitted with the application

- a) Details of water requirement computed as per National Building Code, 2016 (Annexure I), taking into account recycling/ reuse of treated water for flushing etc.
- b) Affidavit on non-judicial stamp paper of Rs. 10/- by the applicant, confirming non/ inadequate availability of public water supply in case of users requiring ground water up to 10 m<sup>3</sup>/ day for drinking/ domestic use.
- c) Certificate of non-availability of water from local government water supply agency in cases requiring ground water in excess of 10 m<sup>3</sup>/ day for drinking/ domestic use. Government water supply agencies

applying for No Objection Certificate shall submit copy of government approval of the scheme/project proposed to be implemented.

- d) Ground water quality data of existing bore well/ tube well/ dug well from any National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory or Govt. approved laboratory (in case of existing projects applying for no objection certificate)
- e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.

### 3.0 Agriculture Sector

Agriculture sector is the backbone of the Indian economy. As per Minor Irrigation Census 2013-14, 87.86% of wells are owned by marginal, small and semi-medium farmers having land holding up to 4 hectares (ha). Around 9.18 % of wells are owned by medium farmers having land holding 4 – 10 ha and 2.96% of the wells are owned by big farmers having land holding more than 10 ha.

Considering the number of ground water abstraction structures, regulation of ground water in agriculture sector through a 'command and control' strategy will prove to be an arduous task. Therefore, a participatory approach for sustainable ground water management would be more productive.

States/Uts are advised to review their free/subsidized electricity policy to farmers, bring suitable water pricing policy and may work further towards crop rotation/diversification/other initiatives to reduce over-dependence on groundwater.

Agriculture sector shall be exempted from obtaining No Objection Certificate for ground water extraction.

### 4.0 Commercial Use

No new major industries shall be granted No Objection Certificate in over-exploited assessment areas except as per the policy guidelines.

Availability of ground water resources shall be given due regard while considering applications for grant of No Objection Certificate for commercial use.

Commercial entities extracting ground water shall be required to submit online annual water audit report including an audit of water use as mentioned in the relevant sections. CGWA/ State Ground Water Authority (SGWA) shall publish all such audit reports online.

CGWA/ SGWAs shall engage independent agencies to verify the compliance of No Objection Certificate conditions periodically.

#### 4.1 Industrial Use

In Over-exploited assessment units, No Objection Certificate shall not be granted for ground water abstraction to any new industry except those falling in the category of Micro, Small and Medium Enterprises (MSME). However, No Objection Certificate for drinking/ domestic use for work force, green belt use by these new industries shall be permitted. Expansion of existing industries involving increase in quantum of ground water abstraction in over-exploited assessment units shall not be permitted. No Objection Certificate shall not be granted to new packaged water industries in Overexploited areas, even if they belong to MSME category.

No Objection Certificate for ground water extraction by industries shall be granted subject to the following specific conditions:

- i) No Objection Certificate shall be granted only in such cases where local government water supply agencies are not able to supply the desired quantity of water.
- ii) All industries shall be required to adopt latest water efficient technologies so as to reduce dependence on ground water resources.
- iii) All industries abstracting ground water in excess of 100 m<sup>3</sup>/d shall be required to undertake annual water audit through Confederation of Indian Industries (CII)/ Federation Indian Chamber of Commerce and Industry (FICCI)/ National Productivity Council (NPC) certified auditors and submit audit reports within three months of completion of the same to CGWA. All such industries shall be



- required to reduce their ground water use by at least 20% over the next three years through appropriate means.
- iv) Construction of observation well(s) (piezometer)(s) within the premises and installation of appropriate water level monitoring mechanism as mentioned in Section 15 shall be mandatory for industries drawing/ proposing to draw more than 10 m<sup>3</sup>/day of ground water and. Monitoring of water level shall be done by the project proponent. The piezometer (observation well) shall be constructed at a minimum distance of 15 m from the bore well/production well. Depth and aquifer zone tapped in the piezometer shall be the same as that of the pumping well/ wells. Detailed guidelines for design and construction of piezometers are given in Annexure II. Monthly water level data shall be submitted to the CGWA through the web portal.
  - v) The proponent shall be required to adopt roof top rain water harvesting/ recharge in the project premises. Industries which are likely to pollute ground water (chemical, pharmaceutical, dyes, pigments, paints, textiles, tannery, pesticides/ insecticides, fertilizers, slaughter house, explosives etc.) shall store the harvested rain water in surface storage tanks for use in the industry.
  - vi) Injection of treated/ untreated waste water into aquifer system is strictly prohibited.
  - vii) Industries which are likely to cause ground water pollution e.g. Tanning, Slaughter Houses, Dye, Chemical/ Petrochemical, Coal washeries, other hazardous units etc. (as per CPCB list) need to undertake necessary well head protection measures to ensure prevention of ground water pollution (Annexure III).
  - viii) All industries drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Tables 5.2 A and 5.3 A.
  - ix) All existing industries drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as applicable as per Tables 5.2 B and 5.3 B.

#### Documents to be submitted with the application

- (a) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water supply from local government agencies in cases where ground water requirement is up to 10 m<sup>3</sup>/day.
- (b) Certificate regarding non/ partial availability of fresh water/ treated waste water supply from the local government water supply agency in cases where requirement of ground water is more than 10 m<sup>3</sup>/day.
- (c) Ground water quality data of existing bore well/ tube well/ dug well from any NABL accredited laboratory or Govt. approved laboratory (in case of existing projects applying for No Objection Certificate)
- (d) Water quality data of bore well/ tube well/ dug well in respect of existing industries from NABL accredited laboratories/Government approved laboratories.
- (e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
- (f) **Impact Assessment report:** All projects extracting/proposing to extract ground water in excess of 100 m<sup>3</sup>/day in Over-exploited, Critical and Semi-critical areas shall have to mandatorily submit impact assessment report of existing/ proposed ground water withdrawal on the ground water regime and also socio-economic impacts report prepared by accredited consultants. Pro-forma for the report is given in Annexure IV.

#### 4.2 Mining Projects

All existing as well as new mining projects will be required to obtain No Objection Certificate for ground water abstraction. Since mining projects are location specific, there will be no ban on grant of No Objection Certificate for abstraction of ground water for such projects in over-exploited assessment units.

No Objection Certificate for mining projects shall be granted subject to the following specific conditions:

- i) It shall be mandatory for all the mining industries to ensure that water available from de-watering operations is properly treated and should be gainfully utilized for supply for irrigation, dust

