

368

BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL

BENCH: NEW DELHI

OA NO. 1356 /2024

Objection/Reply against the report of the Joint Committee on

Behalf of Respondent No. 6.

IN THE MATTER OF

BABLU

APPLICANT

VERSUS

STATE OF U.P & ORS

RESPONDENTS

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| 1      | Affidavit   | 369-374     |
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| 3      | <b>ANNEXURE No. - 2</b> NOC from the state ground water department for operating the bore well is not required for agriculture sector as per notification dated 24.09.2020 point 3 .0 | 379-<br>395 |

Date: 13-05-2025

NEW DELHI

FILED BY:-

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**BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL BENCH:**

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**OA NO. 1356/2024**

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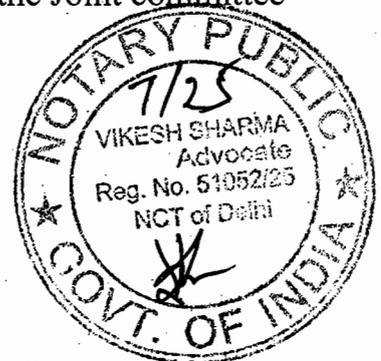
**RESPONDENTS**

**OBJECTION AGAINST THE JOINT COMMITTEE REPORT ON BEHALF  
OF RESPONDENT NO 6**

I, ARUN KUMAR, S/O SHRI AKHILESHWAR PRASAD, R/O Village Khiratia  
Post Ovara Tehsil Robert's gang District Sonbhadra Uttar Pradesh 231219,  
presently at Delhi do hereby solemnly affirm and declare as under,

1. That the deponent is the Respondent no 6 in the present OA and such being conversant with the facts and circumstances of the present case and competent to swear this affidavit.
2. That the Answering respondent No. 6 is filing the objections against the joint committee report filed by the Respondent no 5 before this Hon'ble tribunal.
3. Objections against the filed observation in Para 2 of the Joint committee report is as under:-

*[Handwritten signature]*



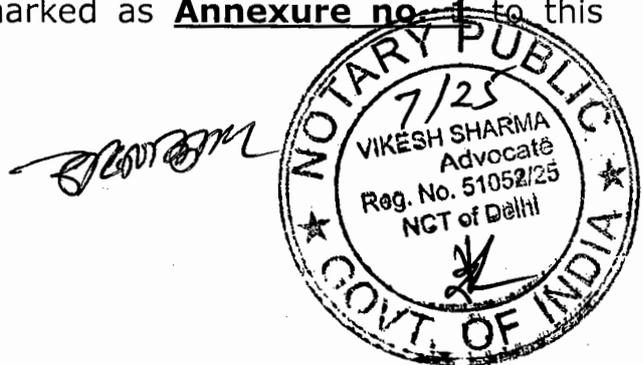
- i. That the contents of paragraph no. 2(i) of the joint committee report needs no comment.
- ii. That in reply to the contents of the paragraph no. 2(ii) of the joint committee report, the deponent submits that the SEIAA, U.P. has approved the EC which was issued by the DEIAA, Sonbhadra and its validity of the EC granted by the DEIAA has been extended by the Hon'ble Apex Court till 26.05.2025, the relevant orders of the Hon'ble Apex Court and the approval granted by the SEIAA is already appended along with the reply of the O.A.
- iii. That the contents of paragraph no. 2(iii) of the joint committee report needs no comment & admitted.
- iv. That the contents of paragraph no. 2(iv) of the joint committee report needs no comment.
- v. That the contents of paragraph no. 2(v) of the joint committee report is not admitted as stated, hence denied and in reply thereto the deponent states that the mining lease was granted on 31.05.2016 for a period of 10 years i.e., till 30.05.2026 and prior to 01.04.2019 respondent no. 6 has not carried out any mining operations because all the mining operations of all the mining leases were stayed by the order of Hon'ble Allahabad High Court and detailed orders in this regard has already been annexed along with the reply of the O.A.
- vi. That the contents of paragraph no. 2(vi) of the joint committee report is not admitted as stated, hence denied and in reply thereto the deponent states that he has not transported the minerals above the permitted quantity

*2/8/25*

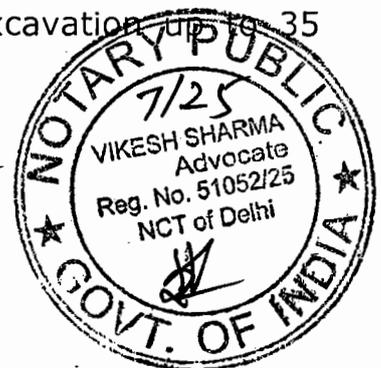


i.e., 40000 cubic meters per year and the excavated quantity given in the index is not correct .

- vii. That in reply to the contents of the paragraph no. 2(vii) of the joint committee report, the deponent submits that no excavation could be done till 2019 because of the stay order of the Hon'ble Allahabad High Court as already mentioned above.
- viii. That in reply to the contents of the paragraph no. 2(viii) of the joint committee report, the deponent submits that on 07.06.2023, an ex parte inspection was conducted on the mining lease area of M/s Yatharth Enterprises, Arun Kumar & M/s Ishana Constructions and on the basis of the spot this ex parte spot inspection report, the District Magistrate, Sonbhadra issued a show cause notice to the deponent on 12.06.2023 for depositing 8 lakhs rupees otherwise mining operations will be stopped and in view of this show cause notice the deponent deposited the said amount because MM 11 were not being issued and after the depositing it the deponent challenged that show cause notice for recovery of the money, case no. C202416000001103 in which next date fixed for hearing is 29.05.2025.
- ix. That in reply to the contents of the paragraph no. 2(ix) of the joint committee report, the deponent states that all the pillars have been erected and a copy of the photographs of the site along with the photographs of the receipt and the trees planted by the deponent is being filed herewith and marked as **Annexure no. 1** to this objection.



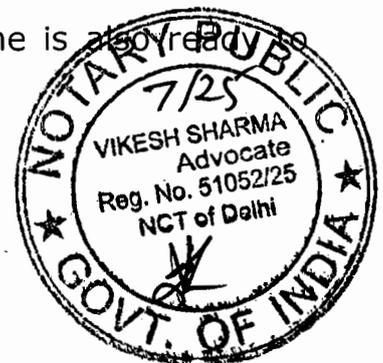
- x. That the contents of paragraph no. 2(x) of the joint committee report is not admitted as stated, hence denied.
- xi. That in reply to the contents of the paragraph no. 2(xi) of the joint committee report, the deponent states that without the mining plan no one can carry out any mining operations at all and respondent no. 6 have a valid mining plan from 31.05.2016 to 30.05.2026 for which the mining plan was approved on 22.09.2015 and it can be verified from the records of the mining office.
- xii. That the contents of paragraph no. 2(xii) of the joint committee report needs no comments.
- xiii. That the contents of paragraph no. 2(xiii) of the joint committee report needs no comment as the respondent no. 6 is ready to comply with all the conditions and the recommendations.
- xiv. That in reply to the contents of the paragraph no. 2(xiv) of the joint committee report, the deponent states that NOC from the state ground water department for operating the bore well is not required for agriculture sector as per notification dated 24.09.2020 point 3 .0 ( **Annexure no-2** )and it is pertinent to mention here that the said mining lease is over the bhumidhari land of deponent and area is more than 4.99 acre, the provision for grant of mining lease of the bhumidhari land is given under rule 23(d) of U.P. Minor mineral ( Concession ) Rule 2021. Now that is clear .
- xv. That the contents of paragraph no. 2(xv) of the joint committee report is not correct as the observation with regards to the water logging and excavation up to 35



meters is not correct as the water logging is there and the excavation is less than 20 meters from the surface level and it can be verified.

- xvi. That the contents of paragraph no. 2 (xvi) of the joint committee report needs no comments as no permission is required.
  - xvii. That in reply to the contents of the paragraph no. 2(xvii, xviii & xix) of the joint committee report, the deponent states that he has already complied with the same.
  - xviii. That in reply to the contents of the paragraph no. 2(xx) of the joint committee report, the deponent states that only 50 meter restriction is required and 100 meters is more than enough and also the private ITI college is not running .
  - xix. That in reply to the contents of the paragraph no. 2(xxi) of the joint committee report, the deponent states that no casualties have ever taken place at his mining site.
  - xx. That in reply to the contents of the paragraph no. 2(xxii, xxiii, xxiv, xxv & xxvi) of the joint committee report, the deponent states that he is ready to comply with all the directions and conditions that the department directs him to follow.
  - xxi. That in reply to the contents of the paragraph no. 2(xxvii) of the joint committee report, the deponent states that as per the report of the sample surface water was not detected, it means that the water accumulated in the pit is rainy water.
4. That the deponent has followed all the conditions mentioned in the provisions of the law and furthermore he is also ready to

*20/03/25*



comply with any directions of this Hon'ble tribunal or any authority of the state if any irregularity is found.

5. That the present affidavit on behalf of the respondent no-6 is submitting before this Hon,ble Tribunal for kind perusal and consideration.

*[Signature]*  
I identified the deponent who has signed in my presence.

*[Signature]*  
Deponent

**Verification:**

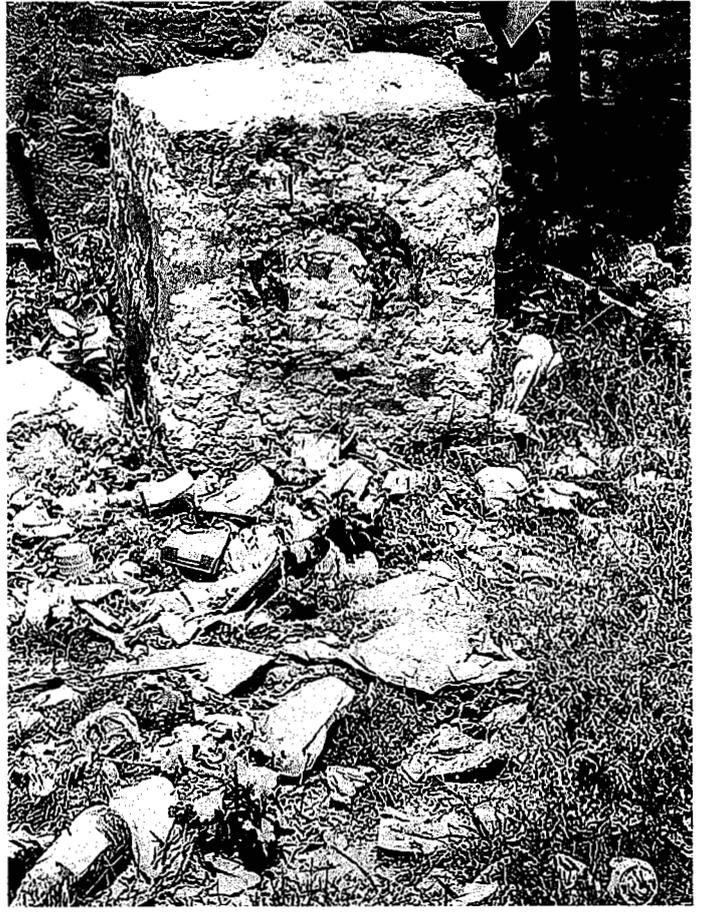
Verified at New Delhi on 10 day of May , 2025 that the contents of this affidavit are true and correct and nothing material has been concealed therefrom.

*[Signature]*  
Deponent



CERTIFICATE  
Shri/Cons. *Adun Kumar & o Sh. Akhileshwar*  
S/o, W/o, L *[Signature]*  
R/o *Village Kherga Post Alala*  
Identified *Tehsil Rohtak Distt*  
has solemn *Sarhauka V.P. - 231219*  
on.....  
that the contents of the affidavit  
been read & explained to him and the same  
correct to his knowledge.

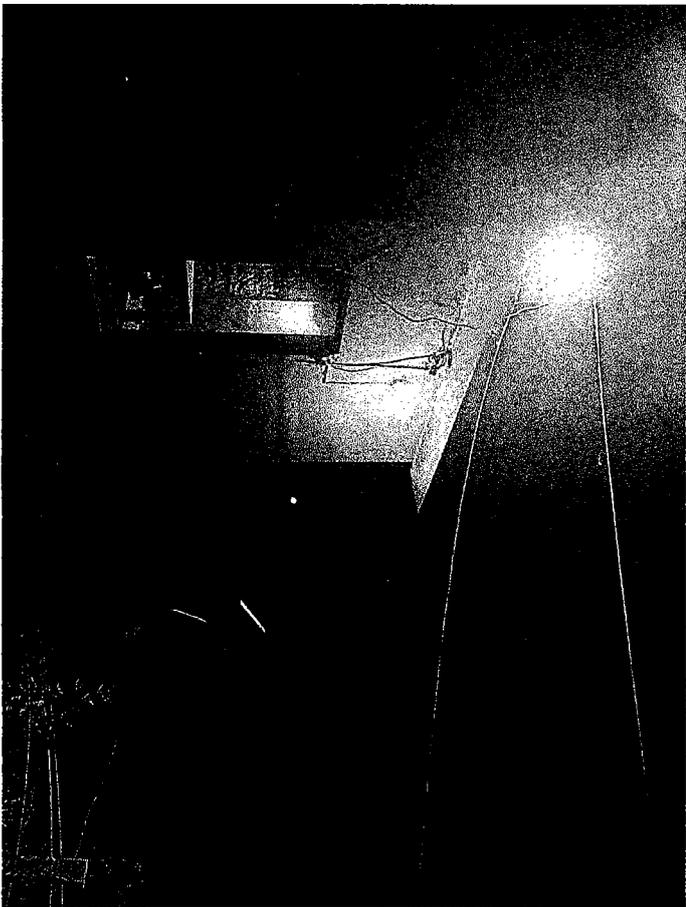
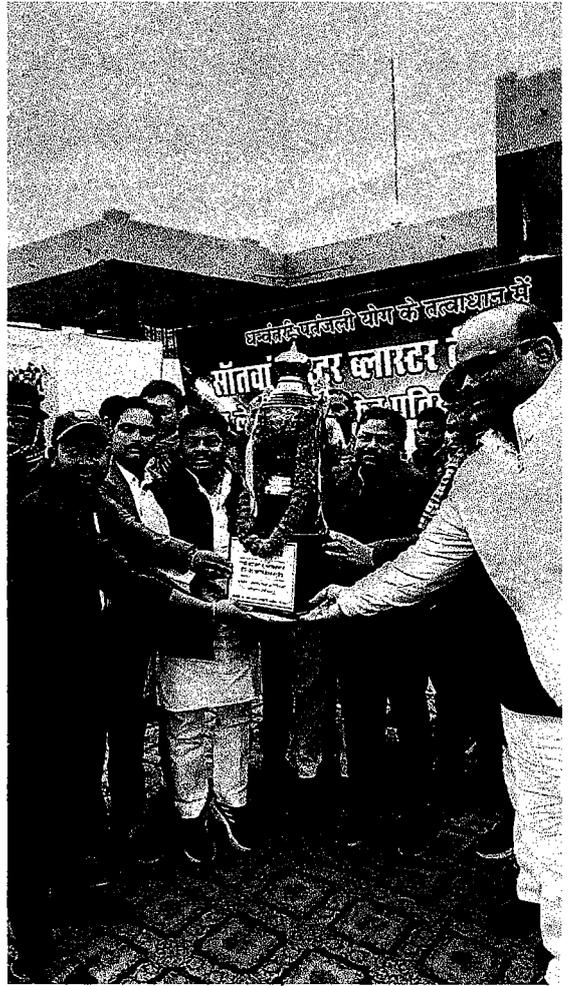
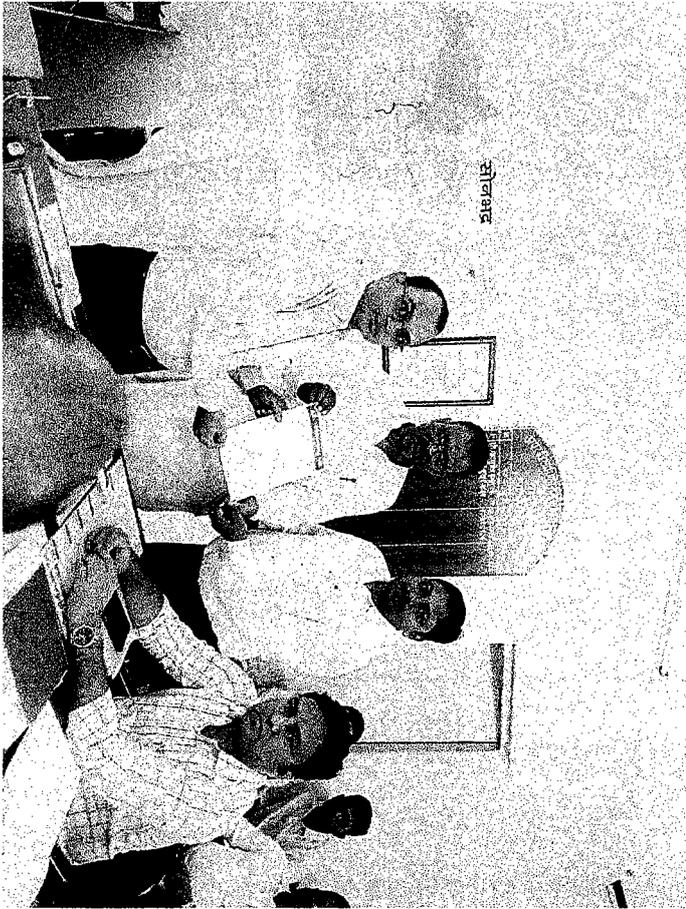
Notary Public, Delhi



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## 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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[F. No. CGWA-21/4/2020-CGWA]

ASHISH KUMAR, Director

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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.
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- Annexure VIII: List of States/ Union territories where ground water extraction is being regulated by Central Ground Water Authority (CGWA)
- Annexure IX: Glossary of technical terms used
- Annexure X: Annual water audits by the industries

**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

- suppression, mining process, recharge in downstream and for maintaining e-flows in the river system.
- ii) Construction of observation well(s) (piezometers) along the periphery in the premises, for monthly ground water level monitoring, shall be mandatory for mines drawing/ proposing to draw more than 10 m<sup>3</sup>/day of ground water. Depth and aquifer zone tapped in the piezometer shall be commensurate with that of pumping well/ wells.
  - iii) In addition, the proponent shall monitor ground water levels by establishing observation wells (piezometers) in the core and buffer zones as specified in the No Objection Certificate.
  - iv) In case of coal and other base metal mining the project proponent shall use the advance dewatering technology (by construction of series of dewatering abstraction structures) to avoid contamination of surface water.
  - v) In addition to this, all mining units shall also monitor the water quality of mine seepage and mine discharge through NABL accredited/ Govt. approved laboratories and the same shall be submitted at the time of self compliance.
  - vi) All mining projects 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 5.4 A.
  - vii) All mining projects drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as per Table 5.4 B.

#### **Documents to be submitted with the application**

- (a) Mining plan approved by the concerned Govt. agency/ department.
- (b) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
- (c) Comprehensive report prepared by accredited consultant on ground water conditions in both core and buffer zones of the mine, depth wise and year wise mine seepage calculations, impact assessment of mining and dewatering on ground water regime and its socio-economic impact, details of recycling, reuse and recharge, reduction of pumping with use of technology for mining and water management to minimize and mitigate the adverse impact on ground water, based on local conditions. Format for report is given in **Annexure V**.

#### **4.3 Infrastructure projects:**

Since infrastructure projects are location specific, grant of No Objection Certificate to such projects located in over-exploited assessment units shall not be banned. New infrastructure projects/ residential buildings may require dewatering during construction activity and/ or use ground water for construction. In both cases, applicants shall seek No Objection Certificate from CGWA before commencement of work. However, in over-exploited assessment units, use of ground water for construction activity shall be permitted only if no treated sewage water is available within 10 km radius of the site. New as well as existing Infrastructure projects shall also be required to seek No Objection Certificate for abstraction of ground water.

No 'No Objection Certificate' shall be granted for extraction of groundwater for Water Parks, Theme Parks and Amusement Parks in over-exploited assessment units.

Indicative list of Infrastructure projects is given in Annexure VI.

The No Objection Certificate for ground water abstraction will be granted subject to the following specific conditions:

- i) In case of infrastructure projects that require dewatering, proponent shall be required to carry out regular monitoring of dewatering discharge rate (using a digital water flow meter) and submit the data through the web portal to CGWA/SGWA as applicable. Monitoring records and results should be retained by the proponent for two years, for inspection or reporting as required by CGWA/SGWA.

- ii) Installation of Sewage Treatment Plants (STP) shall be mandatory for new projects, where ground water requirement is more than 20 m<sup>3</sup>/day. The water from STP shall be utilized for toilet flushing, car washing, gardening etc.
- iii) For infrastructure dewatering/ construction activity, No Objection Certificate shall be valid for specific period as per the detailed proposal submitted by the project proponent.
- iv) All infrastructure projects drawing ground water in safe, semi-critical and critical assessment units shall be required to pay ground water abstraction charges as applicable as per Table 5.3 A.
- v) All infrastructure projects (new/ existing) drawing ground water in over-exploited assessment units shall be liable to pay ground water restoration charges as per Table 5.3 B.

#### Documents to be submitted with the application

- (a) In cases where dewatering is involved, submission of impact assessment report prepared by an accredited consultant on the ground water situation in the area giving detailed plan of pumping, proposed usage of pumped water and comprehensive impact assessment of the same on the ground water regime shall be mandatory. The report should highlight environmental risks and proposed management strategies to overcome any significant environmental issues such as ground water level decline, land subsidence etc.
- (b) An affidavit on non judicial stamp paper of Rs. 10/- regarding non availability of water from any other source in case water is required for construction in safe and semi critical areas.
- (c) Certificate from a government agency regarding non availability of treated sewage water for construction within 10 km radius of the site in critical and over-exploited areas.
- (d) Certificate of non-availability of water from local government water supply agency in respect of all categories of assessments units for commercial use.
- (e) Proposal for rain water harvesting/ recharge within the premises as per Model Building Bye Laws issued by Ministry of Housing & Urban Affairs.
- (f) Details of water requirement computed as per National Building Code, 2016 (**Annexure I**), taking into account recycling/ reuse of treated water for flushing etc. (in case of completed infrastructure projects for commercial use).
- (g) Completion certificate from the concerned agency for infrastructure projects requiring water for commercial use.

#### 5.0 Ground water abstraction/ restoration charges

All residential apartments/ group housing societies/ Government water supply agencies in urban areas shall be required to pay ground water abstraction charges.

All industries/mining/ infrastructure projects drawing ground water in safe, semi-critical and critical assessment units will have to pay ground water abstraction charges based on quantum of ground water extraction and category of assessment unit as per details given in this guideline.

All existing mining/ infrastructure projects and existing industries including MSME drawing ground water in over-exploited assessment units will have to pay ground water restoration charges based on quantum of ground water extraction. Further, new MSME, new infrastructure and new Mining projects in over exploited areas shall also be required to pay ground water restoration charges.

Existing industries, infrastructure units and mining projects which have installed/constructed artificial recharge structures in compliance of the conditions prescribed in the groundwater guidelines prevailing at the time of grant of No Objection Certificate or its renewal shall be eligible for a rebate of 50% (fifty percent) in the ground water abstraction charges/ground water restoration charges, subject to their satisfactory performance and verification.

The revenue generated from the proposed water abstraction/ restoration charges shall be kept in a separate fund for implementation of site specific suitable demand/ supply side interventions.

### 5.1 Rates of Ground water abstraction /restoration charges

#### I. Drinking and domestic use for residential apartments/ group housing societies/ Government water supply agencies in Urban areas

All residential apartments/ Group Housing Societies requiring water only for drinking/domestic use requiring No Objection Certificate would pay ground water abstraction charges as per rates given below in Table 5.1.

**Table 5.1 Ground Water Abstraction charges for Drinking & Domestic use.**

| Quantum of Groundwater withdrawal (m <sup>3</sup> /month) | Rate of ground water abstraction charges (Rs. per m <sup>3</sup> ) |
|---|--|
| 0-25  | No charge  |
| 26-50   | 1.00   |
| >50   | 2.00   |

Government water supply agencies and Government infrastructure projects shall pay Ground water abstraction Charges @ Rs. 0.50 per m<sup>3</sup>.

#### II. Packaged Drinking Water units

Rates of ground water abstraction charges for packaged drinking water units in safe, semi-critical and critical assessment units are given in Table 5.2 A and those for ground water restoration charges in over-exploited assessment units are given in Table 5.2 B.

**Table 5.2 A: Rates of ground water abstraction charges for packaged drinking water units (Rs per m<sup>3</sup>)**

| S.No. | Category of area<br>↓<br>Ground water use → | Quantum of ground water withdrawal |                                |                                  |                                   |                                    |
|-------|---|------------------------------------|--------------------------------|----------------------------------|-----------------------------------|------------------------------------|
|       |   | Up to 50m <sup>3</sup> /day        | 51 to <200 m <sup>3</sup> /day | 200 to <1000 m <sup>3</sup> /day | 1000 to <5000 m <sup>3</sup> /day | 5000 m <sup>3</sup> /day and above |
| 1.    | Safe  | 1.00                               | 3.00                           | 5.00                             | 8.00                              | 10.00                              |
| 2.    | Semi-critical                               | 2.00                               | 5.00                           | 10.00                            | 15.00                             | 20.00                              |
| 3.    | Critical                                    | 4.00                               | 10.00                          | 20.00                            | 40.00                             | 60.00                              |

**Table 5.2 B: Rates of ground water restoration charges for packaged drinking water units (Rs per m<sup>3</sup>)**

| S.No. | Category of area<br>↓<br>Ground water use → | Quantum of ground water withdrawal |                                |                                  |                                   |                                    |
|-------|---|------------------------------------|--------------------------------|----------------------------------|-----------------------------------|------------------------------------|
|       |   | Up to 50 m <sup>3</sup> /day       | 51 to <200 m <sup>3</sup> /day | 200 to <1000 m <sup>3</sup> /day | 1000 to <5000 m <sup>3</sup> /day | 5000 m <sup>3</sup> /day and above |
| 1.    | Over-exploited (existing industries only)   | 8.00                               | 20.00                          | 40.00                            | 80.00                             | 120.00                             |

### III. Other Industries & infrastructure projects

Rates of ground water abstraction charges for other industries and infrastructure projects in safe, semi-critical and critical assessment units are given in Table 5.3 A and those for ground water restoration charges in over-exploited assessment units are given in Table 5.3 B.

**Table 5.3 A: Rates of Ground Water abstraction charges for other industries & infrastructure projects (Rs per m<sup>3</sup>)**

| S.No. | Category of area<br>↓<br>Ground water use → | Quantum of ground water withdrawal |                                  |                                   |                                    |
|-------|---|------------------------------------|----------------------------------|-----------------------------------|------------------------------------|
|       |   | < 200 m <sup>3</sup> /day          | 200 to <1000 m <sup>3</sup> /day | 1000 to <5000 m <sup>3</sup> /day | 5000 m <sup>3</sup> /day and above |
| 1.    | Safe  | 1.00                               | 2.00                             | 3.00                              | 5.00                               |
| 2.    | Semi-critical                               | 2.00                               | 3.00                             | 5.00                              | 8.00                               |
| 3.    | Critical                                    | 4.00                               | 6.00                             | 8.00                              | 10.00                              |

**Table 5.3 B: Rates of ground water restoration charges for other industries & infrastructure projects (Rs per m<sup>3</sup>)**

| S.No. | Category of area<br>↓<br>Ground water use →   | Quantum of ground water withdrawal |                                  |                                   |                                    |
|-------|---|------------------------------------|----------------------------------|-----------------------------------|------------------------------------|
|       |   | < 200 m <sup>3</sup> /day          | 200 to <1000 m <sup>3</sup> /day | 1000 to <5000 m <sup>3</sup> /day | 5000 m <sup>3</sup> /day and above |
| 1.    | Over-exploited (existing industries / new Industries as per the present Guidelines) | 6.00                               | 10.00                            | 16.00                             | 20.00                              |

### IV. Mining projects

Rates of ground water abstraction charges for mining, which are drawing ground water in safe, semi-critical and critical assessment units are given in Table 5.4 A and those for ground water restoration charges in case of projects drawing ground water in over-exploited assessment units are given in Table 5.4 B.

**Table 5.4 A: Rates of ground water abstraction charges for mining (Rs. per m<sup>3</sup>)**

| S.No. | Category of area<br>↓<br>Ground water use → | Quantum of ground water withdrawal |                                  |                                   |                                    |
|-------|---|------------------------------------|----------------------------------|-----------------------------------|------------------------------------|
|       |   | < 200 m <sup>3</sup> /day          | 200 to <1000 m <sup>3</sup> /day | 1000 to <5000 m <sup>3</sup> /day | 5000 m <sup>3</sup> /day and above |
| 1.    | Safe  | 1.00                               | 2.00                             | 2.50                              | 3.00                               |
| 2.    | Semi-critical                               | 2.00                               | 2.50                             | 3.00                              | 4.00                               |
| 3.    | Critical                                    | 3.00                               | 4.00                             | 5.00                              | 6.00                               |

**Table 5.4 B: Rates of ground water restoration charges for mining (Rs. per m<sup>3</sup>)**

| S.No. | Category<br>of area<br><br>Ground water<br>use | Quantum of ground water withdrawal |                                     |   |                                       |
|-------|--|------------------------------------|-------------------------------------|---|---------------------------------------|
|       |  | < 200<br>m <sup>3</sup> /day       | 200 to <1000<br>m <sup>3</sup> /day | 1000 to<br><5000<br>m <sup>3</sup> /day | 5000 m <sup>3</sup> /day and<br>above |
| 1.    | Over-exploited                                 | 4.00                               | 5.00                                | 6.00                                    | 7.00                                  |

### 6.0 Bulk Water Supply

All private tankers abstracting ground water and use it for supply as bulk water suppliers will now mandatorily seek No Objection Certificate for ground water abstraction. The bulk water suppliers through tankers drawing ground water in safe, semi-critical and critical assessment units shall pay groundwater abstraction charges as per the **Table-6.1 A**. The bulk water suppliers drawing ground water in over-exploited assessment units shall pay the groundwater restoration charges as per the **Table-6.1 B**. All tankers will have to install GPS based system for their monitoring of movement/area of operation.

Modalities for issue of No Objection Certificate for bulk/tanker water supplies shall be worked out in consultation with States/Uts and suitable guidelines in this regard will be framed and issued separately for the same.

**Table-6.1A: Groundwater abstraction charges for Bulk/Tanker water supplies**

| Category      | Rate per m <sup>3</sup> (in Rs.) |
|---------------|----------------------------------|
| Safe          | 10                               |
| Semi Critical | 20                               |
| Critical      | 25                               |

**Table-6.1B: Groundwater abstraction charges for Bulk/Tanker water supplies**

| Category       | Rate per m <sup>3</sup> (in Rs.) |
|----------------|----------------------------------|
| Over Exploited | 35                               |

### 7.0 Abstraction of Saline ground water

Abstraction of saline ground water in areas having either saline ground water at all depths or pockets of saline ground water in an otherwise fresh water area for use by industries/ dewatering by infrastructure/ mining projects including those located in over-exploited areas would be encouraged. Such industries shall be exempted from paying ground water abstraction charges.

The list of such assessment units having saline ground water at all depths as per the latest assessment of dynamic ground water resources will be made available by the CGWA in their website. However, due care shall be taken in respect of disposal of effluents by the units so as to protect the water bodies and the aquifers from pollution.

Detailed guidelines in this regard shall be prepared and issued separately.

### 8.0 Protection of Wetland Areas

The wet land areas in the country are very crucial as they are direct reflection of the presence of ground water in such areas. The protection of the wetland areas is being separately handled by the Wetland Authorities. Since ground water is very crucial for the survival of the wetland area, any excessive ground water development within the zone of wetland area would affect the volume of water in that wetland.

Projects falling within 500 m. from the periphery of demarcated wetland areas shall mandatorily submit a detailed proposal indicating that any ground water abstraction by the project proponent does not affect the protected wetland areas. Furthermore, before seeking permission from CGWA, the projects shall take consent/approval from the appropriate Wetland Authorities to establish their projects in the area.

#### 9.0 General compliance conditions in No Objection Certificate

- i. Installation of digital water flow meter (conforming to BIS/ IS standards) having telemetry system in the abstraction structure(s) shall be mandatory for all users seeking No Objection Certificate and intimation regarding their installation shall be communicated to the CGWA within 30 days of grant of No Objection Certificate through the web-portal.
- ii. Proponents shall mandatorily get water flow meter calibrated on from an authorized agency once in a year.
- iii. Proponents shall install roof top rain water harvesting & recharge systems in the project area.
- iv. Proponents shall pay Ground Water Abstraction/ Restoration Charges based on quantum of ground water extraction as applicable as per the rates given in Section 6.
- v. Construction of purpose-built observation wells (piezometers) for ground water level monitoring shall be mandatory as per Section 15. Water level data shall be made available to CGWA through web portal. Detailed guidelines for construction of piezometers are given in **Annexure-II**.
- vi. Proponents shall monitor quality of ground water from the abstraction structure(s) once in a year. Water samples from bore wells/ tube wells / dug wells shall be collected during April/May every year and analysed in NABL accredited laboratories for basic parameters (cations and anions), heavy metals, pesticides/ organic compounds etc. Water quality data shall be made available to CGWA through the web portal.
- vii. If the existing well becomes defunct due to mechanical failure within the validity period of No Objection Certificate, the user can construct a replacement well under intimation to CGWA on web portal. The defunct well shall be properly sealed (**Refer Annexure VII**). The user will be required to submit documentary proof in this regard. However, if the existing abstraction structures fails to yield water and he proponent desires to drill another tubewell in the same premises, prior permission of the Authority shall be required. If the replacement well is to be drilled in some different place, the proponent shall obtain fresh No Objection Certificate.
- viii. Wherever feasible, requirement of water for greenbelt (horticulture) shall be met from recycled / treated waste water.
- ix. In case of change of ownership, new owner of the industry will have to apply for incorporation of necessary changes in the No Objection Certificate with documentary proof within 60 days of taking over possession of the premises.

#### 10.0 Monitoring of compliance of No Objection Certificate Conditions

To monitor the compliance of No Objection Certificate conditions, Central Ground Water Authority and State/ UT Ground Water Authorities shall take the following steps:

- a. Suitable MIS will be developed for compliance monitoring.
- b. District Collectors/Deputy Commissioners (DCs) /District Magistrates (DMs) are authorized to take enforcement measures like sealing of unauthorized ground water abstraction structures, disconnection of electricity, launching of prosecution against those violating the No Objection Certificate conditions and taking action for imposition of Environmental Compensation.
- c. Technical officers of CGWB/ CGWA and State groundwater organizations are authorized to take actions with respect to monitoring and periodic inspections with the approval of competent authority.
- d. In case of violation of any of the No Objection Certificate conditions, the proponents shall be liable to pay the penalties as per **Section 16**.

**11.0 Renewal of No Objection Certificate**

No objection certificate shall be renewed periodically, subject to the compliance of the conditions mentioned therein:

- i. The applicant shall apply for renewal of No Objection Certificate at least ninety days prior to expiry of its validity.
- ii. Application for renewal of No Objection Certificate shall be accompanied by the Compliance Report.
- iii. Before granting renewal, Central Ground Water Authority or State/ Ut Authority shall satisfy itself that the conditions of No Objection Certificate have been complied with.
- iv. In case of change in category of the assessment unit, renewals would be granted with conditions as laid down for new category.
- v. No Objection Certificate will be renewed for the terms specified for various uses as follows:

| Category                                  | Use   | Term of renewal |
|---|---|-----------------|
| Critical,<br>Semi-critical<br>and<br>safe | Infrastructure projects for drinking & domestic use and urban Water Supply Agencies | 5 years         |
|   | Industries  | 3 years         |
|   | Mines   | 2 years         |
| Over exploited                            | All users in 'Over-exploited areas'   | 2 years         |

- vi. If the application for renewal is submitted in time and the CGWA/ the respective State/ Ut Authority is unable to process the application in time, No Objection Certificate shall be deemed to be extended till the date of renewal of No Objection Certificate.
- vii. If the proponent fails to apply for renewal within 3 months from the date of expiry of No Objection Certificate, the proponent shall be liable to pay Environmental Compensation for the period starting from the date of expiry of No Objection Certificate till No Objection Certificate is renewed by the competent authority.

**12.0 Extension of No Objection Certificate**

If the proponent is unable to construct the well(s) during the validity period of No Objection Certificate for genuine reasons, the proponent will have to apply for extension of No Objection Certificate. Application for extension should be supported by documents justifying the reasons for delay. Other conditions for grant of extension of No Objection Certificate will be the same as that for fresh No Objection Certificate.

Extension of No Objection Certificate will be granted for a maximum period of two years. No further extension will be granted after the expiry of the extended period. In that case, the applicant will have to apply afresh for grant of No Objection Certificate.

**13.0 Delegation of powers against illegal groundwater withdrawal**

Central Ground Water Authority has appointed the District Magistrate/ District Collector/ Sub Divisional Magistrates of each Revenue District/Sub division as Authorized Officers, who have been delegated the power to seal illegal wells, disconnect electricity supply to the energised well, launch prosecution against offenders etc. including grievance redressal related to ground water in their respective jurisdictions.

In order to further decentralise and strengthen the monitoring and compliance mechanism as per the guidelines, officials of concerned Departments of Revenue and Industries of the States/Uts shall be appointed as Authorised Officers in consultation with the State/Ut Governments.

A copy of the No Objection Certificate issued by the CGWA in the No Objection Certificate Application Portal (NOCAP) will be forwarded to the respective District Magistrate/ District Collector. In case of any violation of the directions of Central Ground Water Authority and non-fulfilment of the conditions laid

down in the No Objection Certificate, the Authorised Officers will file appropriate Petition/Original Application etc under sections 15 to 21 of the Environment (Protection) Act, 1986 in appropriate Courts.

#### 14.0 Ground Water Level Monitoring

All the project proponents (drawing ground water more than 10 cum/d) have to mandatorily construct Piezometers (observation wells) within their premises for monitoring of the ground water levels. Such a mechanism of compliance conditions has been made to ensure that every month the ground water level in the project area can be monitored and observed. In this regard the necessary criteria for monitoring of water levels through piezometers by the project proponents is given in Table 14.1.

| S.No. | Quantum of Ground water withdrawal (cum/d) | No. of piezometer required | Monitoring mechanism |      |                     |
|-------|--|----------------------------|----------------------|------|---------------------|
|       |  |                            | Manual               | DWLR | DWLR with Telemetry |
| 1     | <10  | 0                          | 0                    | 0    | 0                   |
| 2     | 11-50                                      | 1                          | 1                    | 0    | 0                   |
| 3     | 51-500                                     | 1                          | 0                    | 1    | 0                   |
| 4     | >500                                       | 2                          | 0                    | 1    | 1                   |

The piezometer shall be suitably located to ensure that zone of aquifer tapped in the piezometer is the same as that of the pumping well.

#### 15.0 Environmental Compensation

Extraction of ground water for commercial use by industries, infrastructure units and mining projects without a valid No Objection Certificate from appropriate authority shall be considered illegal and such entities shall be liable to pay Environmental Compensation for the quantum of ground water so extracted. The norms prescribed by Central Pollution Control Board (CPCB) shall be utilized for calculating the Environmental compensation as mentioned below:

$$EC_{GW} = \text{Ground water consumption per day} \times \text{Environmental Compensation rate (ECR}_{GW}) \times \text{No. of days} \times \text{Deterrence factor}$$

where ground water consumption is in m<sup>3</sup>/day and ECR<sub>GW</sub> in Rs./ cum

#### 15.1 Rates of Environmental Compensation:

Rates of Environmental Compensation (ECR<sub>GW</sub>) for various types of users in different categories of assessment units are given in Table 15.1 to 15.3.

**Table 15.1 : ECR<sub>GW</sub> for Packaged Drinking Water units**

| S.No.  | Area Category   | Water Consumption (cum/day) |              |               |              |
|--|-----------------|-----------------------------|--------------|---------------|--------------|
|  |                 | <200/                       | 200 to <1000 | 1000 to <5000 | 5000 & above |
| Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./m <sup>3</sup> |                 |                             |              |               |              |
|  | Safe            | 12                          | 18           | 24            | 30           |
| 2  | Semi critical   | 24                          | 36           | 48            | 60           |
| 3  | Critical        | 36                          | 48           | 66            | 90           |
| 4  | Over- exploited | 48                          | 72           | 96            | 120          |

**Note :-**Minimum ECR<sub>GW</sub> shall not be less than Rs 1,00,000/-

**Table 15.2: ECR<sub>GW</sub> for Mining/ infrastructure dewatering projects**

| S.No. | Area Category   | Water Consumption (cum/day)  |              |               |              |
|-------|-----------------|--|--------------|---------------|--------------|
|       |                 | <200   | 200 to <1000 | 1000 to <5000 | 5000 & above |
|       |                 | Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./m <sup>3</sup> |              |               |              |
| 1     | Safe            | 15   | 21           | 30            | 40           |
| 2     | Semi critical   | 30   | 45           | 60            | 75           |
| 3     | Critical        | 45   | 60           | 85            | 115          |
| 4     | Over- exploited | 60   | 90           | 120           | 150          |

**Note :-**Minimum ECR<sub>GW</sub> shall not be less than Rs 1,00,000/-

**Table 15.3: ECR<sub>GW</sub> for Industrial units**

| S.No. | Area Category   | Water Consumption (cum/day)  |              |               |              |
|-------|-----------------|--|--------------|---------------|--------------|
|       |                 | <200   | 200 to <1000 | 1000 to <5000 | 5000 & above |
|       |                 | Environmental Compensation Rate (ECR <sub>GW</sub> ) in Rs./m <sup>3</sup> |              |               |              |
| 1     | Safe            | 20   | 30           | 40            | 50           |
| 2     | Semi critical   | 40   | 60           | 80            | 100          |
| 3     | Critical        | 60   | 80           | 110           | 150          |
| 4     | Over- exploited | 80   | 120          | 160           | 200          |

**Note :-**Minimum ECR<sub>GW</sub> shall not be less than Rs 1,00,000/-

**15.2 Deterrent Factors to compensate losses and environmental damage (for packaged drinking water units, mining, industries and infrastructural dewatering projects)**

The following deterrent factors based on the duration of illegal ground water extraction shall be levied to compensate for the losses and environmental damages as detailed in Table 15.4.

**Table 15.4: Deterrent factor based on quantum of ground water withdrawal and number of years of illegal withdrawal**

| S.No. | Water Consumption | Deterrence Factor |           |          |
|-------|-------------------|-------------------|-----------|----------|
|       |                   | < 2 years         | 2-5 years | >5 years |
| 1     | <1000 KLD         | 1.00              | 1.00      | 1.25     |
| 2     | 1000-5000 KLD     | 1.00              | 1.00      | 1.50     |
| 3     | >5000 KLD         | 1.00              | 1.25      | 2.00     |

**Note:** KLD – Kilolitre per day

**16.0 Provision of Penalty**

Penalty shall be imposed on the proponents for non-compliance of No Objection Certificate conditions issued by the appropriate authority. Rates of penalty proposed for non-compliance of various conditions of No Objection Certificate are given in Table 16.1. The rates of the penalty shall be reviewed periodically with the approval of competent authority in Ministry of Jal Shakti.

**Table 16.1: Penalty provision for non Compliance of No Objection Certificate conditions**

| S. No. | Items  | Charges in Rs.   |
|--------|--|------------------|
| 1      | Non installation/faulty Digital water Flow meter with telemetry system.  | 200000           |
| 2      | Non disclosure/ construction of additional groundwater abstraction structures<br>a) Non-functional Structures.<br>b) Defunct/Abandoned<br>Note: Given rates are for unit non-functional/defunct/abandoned structures. This shall be multiplied with total such structures to arrive at consolidated penalty. | 200000<br>100000 |
| 3      | Reporting of fresh water zones as Brackish / Saline zones in application.  | 200000           |
| 4      | Non Installation of Piezometer.  | 200000           |
| 5      | Non Installation/faulty DWLR/Telemetry system  | 100000           |
| 6      | Non Construction/Inadequate capacity of Recharge / Water conservation structures.  | 500000           |
| 7      | Non maintenance of Recharge structures.  | 200000           |
| 8      | Injection of treated/untreated water into the aquifer system.<br>Note: In addition to penalty, the proponent shall bear the cost of aquifer remediation as per the provisions of Environment (Protection) Act, 1986.   | 1000000          |
| 9      | Non Submission of Water level/Water quality Data.  | 50000            |
| 10     | Non-maintenance of log book of daily withdrawal/non submission of Groundwater abstraction data.  | 50000            |
| 11     | Non submission of photograph of recharge structure(s).   | 50000            |
| 12     | Non Submission of Self Compliance report.  | 100000           |
| 13     | Construction of groundwater abstraction structures by un authorized/unregistered Drilling Rigs (per structures).   | 100000           |
| 14     | Non registration of water supply tankers.  | 500000           |
| 15     | Submission of false information/ undertaking.  | 100000           |

Charges shall also be payable for correction/modification in the existing issued No Objection Certificate letter. The details of such charges are given in Table 16.2.

**Table 16.2: Proposed Charges for correction/Modification in the existing issued No Objection Certificate**

| S. No. | Items   | Charges in Rs. |
|--------|---|----------------|
| 1      | Change in recharge quantum                          | 10000          |
| 2      | Change in User ID.                                  | 5000           |
| 3      | Change in firm Name                                 | 5000           |
| 4      | Extension of No Objection Certificate               | 5000           |
| 5      | Issuance of duplicate No Objection Certificate      | 5000           |
| 6      | Issuance of corrigendum to No Objection Certificate | 5000           |
| 7      | Any other items/corrections etc                     | 5000           |

**17.0 Other important Conditions (Applicable to all):**

- i. Sale of ground water by a person/ agency not having valid no objection certificate from CGWA/State Ground Water Authority is not permitted.
- ii. In infrastructure projects, paved/parking area must be covered with interlocking/perforated tiles or other suitable measures to ensure groundwater infiltration/harvesting.
- iii. In case of Infrastructure projects, the firm/entity shall ensure implementation of dual water supply system in the projects. Compliance of the same shall be submitted through the web portal.
- iv. Non-compliance of conditions mentioned in the No Objection Certificate may be taken as sufficient reason for cancellation of no objection certificate accorded/ non-renewal of No Objection Certificate.
- v. No application shall be entertained without supporting documents as specified in relevant sections.
- vi. Abstraction structure(s) should be located inside the premises of project property.
- vii. Self compliance of conditions laid down in the no objection certificate shall be reported by the users online in the web portal of Central Ground Water Authority/state Ground Water Authority.
- viii. Processing fee prescribed, if any, from time to time shall be charged for various services.

**Note:**

1. Guidelines are subject to modification from time to time.
2. In case of any discrepancy between Hindi and English versions of this document including the annexures, the English version shall prevail.

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