

B. Department of Water Resources

***B.1. Notification on procedure for
permission/ allocation of water to Industrial,
Commercial & other establishments***

Government of Odisha
Department of Water Resources

No. 3017 /WR.,
Irr.-II-WRC-07/16

Date: 9/2/16

NOTIFICATION

Sub: Procedure for permission/ allocation of water to Industrial, Commercial & other establishments.

As per provision of Orissa Irrigation Act, 1959 and Orissa Irrigation Rules, 1961 (amended from time to time), water allocation from different rivers/ nallas is made to the Industrial, Commercial and other establishments. It has come to the notice of Government that the permission of allocation of water to the Industries, Commercial and other establishments is delayed due to examination at different levels. In order to overcome the above difficulties and keeping in view of the Ease of Doing Business in Make-in-India programme, Government after careful consideration, have been pleased to decide for permission/ allocation of water to Industrial, Commercial & other establishments as follows:-

01. Time to allocate construction water for Industrial purpose & process to be followed:-

As per Clause-4 (2) (e) of Orissa Irrigation (Amendment) Rules, 2010, the order for allocation of water to Industrial, Commercial & other establishments shall be communicated in writing to the applicant as far as practicable within a period of six months from the date of receipt of application. Sometimes before allocation of water for the Industrial purpose temporary permission is given for use of surface/ ground water for a period of six months for construction purpose. Generally the water requirement during construction purpose is less. In order to promote Ease of Doing Business in the State, the Government have been pleased to reduce the

P.T.O.

period for allocation of water for construction purpose within a period of 30 days. The process for temporary allocation of construction water to Industrial, Commercial & other establishments shall be as follows:-

- i. The applicant shall apply for temporary allocation of water in Form-‘J’ to the Principal Secretary to Government, DoWR along with necessary documents, processing fee and necessary security deposit drawn in favour of Principal Secretary to Government, DoWR. If temporary allocation is ground water, then he shall apply to Government in DoWR along with No Objection Certificate (NOC) from Central Ground Water Authority (CGWA) and recommendation of District Level Evaluation Committee (DLEC).

Simultaneously the applicant shall apply for permanent allocation of operational water in Form-‘J’ with all necessary documents required from suitable surface water source (after due field verification of river/ stream and its location of drawal) to the Government in DoWR.

The application for allocation of water shall be submitted in complete shape with all necessary documents as mentioned above. Incomplete application shall be summarily rejected and intimated to the applicant within 15 days from the receipt of the application.

- ii. Department of Water Resources shall send the application for temporary allocation of construction water to the Engineer-In-Chief, Water Resources for consideration within a period of 5 days.

P.T.O.

- iii. The Engineer-In-Chief, Water Resources after approval of Water Allocation Committee (WAC), shall return the application for temporary water supply with recommendation, either for allocation or for refusal to DoWR within a period of 15 days. If operational water is not available then temporary allocation of water shall be refused.
- iv. On receipt of recommendation, DoWR shall communicate in writing to the applicant for temporary allocation of construction water valid for a period of 6 (six) months within a period of 10 days.

02. Power to allocate construction & operation water for Industrial purpose up to 0.5 cusec:-

As per provision of Orissa Irrigation (Amendment) Rules, 2010, Government in DoWR is empowered for temporary & permanent allocation of water to the Industrial, Commercial & other establishments. After careful consideration Government have been pleased to delegate the power of allocation of water (temporary construction water & permanent operational water) up to 0.5 cusec to the Secretary, Department of Water Resources.

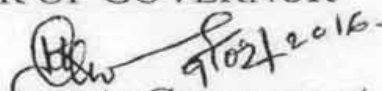
Any clarification regarding implementation of this Notification for allocation of water shall be issued by Government in Department of Water Resources.

This Notification shall come into force from its date of issue.

ORDER

Ordered that the Notification be published in the next issue of the Odisha Gazette.

BY ORDER OF GOVERNOR

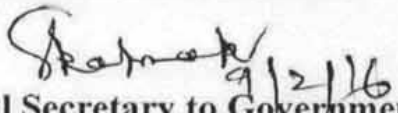

Principal Secretary to Government

P.T.O.

Memo No. 3018 //4// /WR., Dtd. 9/2/16 /


Copy forwarded to the Odisha Gazette Cell in Charge, Odisha Gazette Cell, C/o Commerce Department for information and necessary action

He is requested to publish the above Notification in the next issues of Odisha Gazette and supply 20 copies to this Department for Official use.


EIC-Cum- Special Secretary to Government

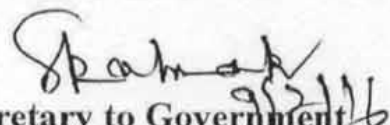
Memo No. 3019 /WR., Dtd. 9/2/16 /

Copy forwarded to the Head State Portal Group, IT Centre, Secretariat for hoisting in the Odisha Govt. Website www.odisha.gov.in/waterresources.


EIC-Cum- Special Secretary to Government

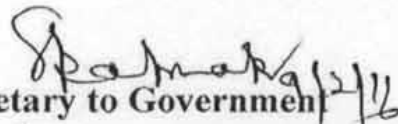
Memo No. 3020 /WR., Dtd. 9/2/16 /

Copy forwarded to the Director, Printing, Publication & Stationeries, Odisha, Cuttack for information and necessary action.


EIC-Cum- Special Secretary to Government

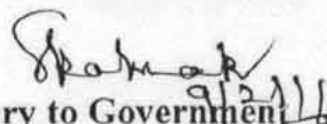
Memo No. 3021 /WR., Dtd. 9/2/16 /

Copy forwarded to Secretary to Governor/ Private Secretary to Chief Minister, Odisha/ Sr. PS to Chief Secretary, Odisha/ Sr. PS to Development Commissioner, Odisha/ Sr. PS to Additional Chief Secretary, Finance Department/ Sr. PS to Principal Secretary, Water Resources Department/ Sr. PS to Principal Secretary, Revenue & Disaster management Department for kind perusal of the Excellency the Governor of Odisha/ Hon'ble Chief Minister/ Chief Secretary, Odisha/ Development Commissioner, Odisha/ Additional Chief Secretary, Finance Department/ Principal Secretary, Water Resources Department/ Principal Secretary, Revenue & Disaster management respectively.


EIC-Cum- Special Secretary to Government

Memo No. 3022 /WR., Dtd. 9/2/16 /

Copy forwarded to the CMD, IDCO/ CMD, IPICOL/ All Revenue Divisional Commissioners/ All Collector & District Magistrates for information and necessary action.


EIC-Cum- Special Secretary to Government

//5//

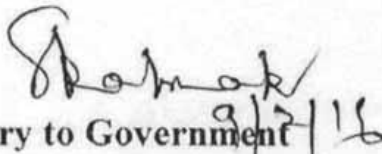
Memo No. 3023 /WR., Dtd. 9/2/16 /

Copy forwarded to the Planning & Co-Ordination Department/
Finance Department/ Revenue & Disaster Management Department/ Steel &
Mines Department/ Industries Department/ Energy Department for
information.


EIC-Cum- Special Secretary to Government

Memo No. 3024 /WR., Dtd. 9/2/16 /

Copy forwarded to the EIC, WR, Bhubaneswar/ the EIC, Planning &
Design, Water Resources/ All Chief Engineers, DoWR/ Chief Engineer &
Basin Managers, DoWR/ Chief Construction Engineers, DoWR/ All
Branches of DoWR/ 20 spare copies to Guard File for information and
necessary action.


EIC-Cum- Special Secretary to Government

B.2. Notification for Phasing of Industrial water allocation

**GOVERNMENT OF ODISHA
DEPARTMENT OF WATER RESOURCES**

No. 13233 WR,
Irr.-II-WRC-31/16

Date: 4/6/2016.

NOTIFICATION

Sub: Phasing/Re-phasing of industrial water allocation etc.

Government of Odisha is committed for rapid industrialisation which will increase opportunities of employment as well as increase in GDP of the State. As a part of its endeavor, industries are allowed to draw water from public sources – both surface and ground water for a certain period. During the period of construction industries are allowed to draw ground water on the basis of the recommendations of District Level Evaluation Committee (DLEC) under the chairmanship of Collector and on obtaining No Objection Certificate (NOC) from Central Ground Water Board (CGWB). For operation of the industries / plants similarly water is allocated to industries. It is a general practice that the first allocation of operational water is normally given for a period of 3 years during which period the industries are expected to start commercial production. However, due to various reasons, sometimes, beyond the control of industries the plants are not able to complete their construction and go to operation phase within this period. Besides, during the initial period of water allocation the entire quantity of allocated water is not drawn by industries in the initial phase. Further Government does not get any revenue on the unutilized quantity of water allocated to an industry. For considering revalidation or phasing or rephasing industrial water there is no uniform guidelines prescribed. The uniform guideline on allocation, revalidation and phasing/rephasing of allocated water was under active consideration of Government for some time. After careful consideration Government have been pleased to decide as follows:

1. Allocation period

- (a) The industries shall apply initially for allocation of water for both construction and operation purpose separately in Form-'J' to Department

of Water Resources enclosing all necessary documents indicating the period of construction and likely period in which operation of the industries/plants to start.

- (b) The sources of water for allocation during construction period, whether surface or ground water must be clearly mentioned in the application by industries proportionately.
- (c) If ground water is required for construction the recommendation of District Level Evaluation Committee (DLEC) and No Objection Certificate (NOC) from Central Ground Water Board (CGWB) must be obtained and attached to the application.
- (d) Construction water shall ordinarily be allocated for a period of six months. However, depending on construction status, the said period can be renewed on payment of appropriate charges as per rule.
- (e) For allocation of operational water the concerned industry shall apply to DoWR indicating quantity and allocation period along with recommendations of IPICOL/appropriate authority for consideration.
- (f) The initial allocation of water shall be for a period of 3 years for Micro, Small & Medium Enterprises (MSME) and 5 years for large industries.
- (g) On completion of the period, if any water that has not been used shall be de-allocated automatically. No further correspondence on de-allocation shall be considered unless request for extension/ revalidation is received in DoWR with supporting recommendation from IPICOL /SLSWCA prior to 3 months of expiry of the allocation.

2. Extension / Revalidation / Re-phasing

- (a) In case, the industry concerned needs the allocation of water to be revalidated or modified the request for the same shall be submitted to DoWR before 3 months' of expiry of the agreement as per rule along with necessary fees in the prescribed format duly recommended by IPICOL as per procedure mentioned above.

- (b) The maximum period of revalidation shall not exceed 2 years in case of MSME and 3 years in case of large industries based on the recommendations of IPICOL and / or SLSWCA.
- (c) During this period the industry shall utilise the allocated water. Ordinarily no extension of water allocation shall be entertained beyond this period excepting in case of exceptional circumstances where revalidation beyond the above maximum allowable period of 3+2 years for MSME and 5+3 years for large industries may be considered only on the basis of recommendations of SLSWCA.
- (d) During the extension period beyond the initial allocation period of 3 years for MSME and 5 years for large industries the concerned industry shall have to pay commitment charges as prescribed below.

3. Commitment charges:

During the period of allocation for operational water, the industries are expected to consume the full quantity of water allocated. However, if the industry is not able to consume full quantity of operational water shall have to pay commitment charge which is equivalent to 5% of the cost of unutilized water (Allocated quantity – quantity of water utilized) in addition to payment of usual water rate for quantity of water being utilized as per the rule. The date of levy of commitment charge shall be from the date of initial agreement for operational water.


Any clarification regarding this circular shall be issued by Government in DoWR.

The Resolution shall come into force from its date of issue.

ORDER

Ordered that the Resolution be published in the next issue of the Odisha Gazette.

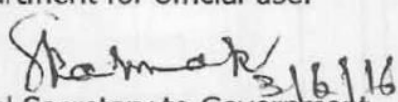
BY ORDER OF GOVERNOR


Principal Secretary to Government

Memo No. 13234 /WR, Date: 4/6/2016.

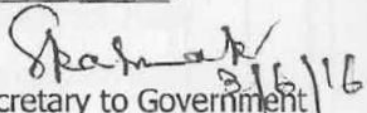
Copy forwarded to the Odisha Gazette Cell in charge, Odisha Gazette Cell, C/o Commerce Department for information and necessary action.

He is requested to publish the above Notification in the next issues of Odisha Gazette and supply 20 copies to this Department for official use.


EIC-cum-Special Secretary to Government

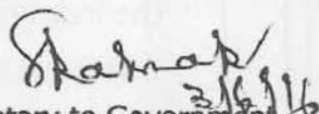
Memo No. 13235 /WR, Date: 4/6/2016.

Copy forwarded to the Head State Portal Group, IT Centre, Secretariat for hoisting in the Odisha Govt. Website- odisha.gov.in/waterresources.


EIC-cum-Special Secretary to Government

Memo No. 13236 /WR, Date: 4/6/2016.

Copy forwarded to the Director, Printing, Publication & Stationeries, Odisha, Cuttack for information and necessary action.


EIC-cum-Special Secretary to Government

Memo No. 13237 /WR, Date: 4/6/2016.

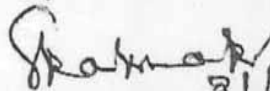
Copy forwarded to Secretary to Governor/ Private Secretary to Chief Minister, Odisha/ Sr. PS to Chief Secretary, Odisha/ Sr. PS to Development Commissioner, Odisha/ Sr. PS to Additional Chief Secretary, Finance Department/ Sr. PS to Principal Secretary, Water Resources Department/ Sr. PS to Principal Secretary, Revenue & Disaster Management Department for kind perusal of His Excellency the Governor of Odisha/ Hon'ble Chief Minister/ Chief Secretary, Odisha/ Development Commissioner, Odisha/ Additional Chief Secretary, Finance Department/ Principal Secretary, Water Resources Department/ Principal Secretary, Revenue & Disaster Management Department respectively.


EIC-cum-Special Secretary to Government

Memo No. 13238 /WR, Date: 4/6/2016.

Copy forwarded to the CMD, IDCO/ CMD, IPICOL/All Revenue Divisional Commissioners/ All Collector & District Magistrates for information and necessary action.

As decided in the 60th State Level Single Window Clearance Authority (SLSWCA) meeting held on 23.02.2016 chaired by the Chief Secretary, Odisha, the Collector & District Magistrates shall ensure that all proposals for Ground Water allocation are disposed of by DLEC within 30 days of application by the Industries.


31/6/16
EIC-Cum- Special Secretary to Government

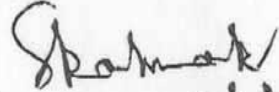
Memo No. 13239 /WR, Date: 4/6/2016

Copy forwarded to the Planning & Co-Ordination Department/ Finance Department/ Revenue & Disaster Management Department/ Steel & Mines Department/ Industries Department/ MSME Department/ Energy Department for information.


31/6/16
EIC-Cum- Special Secretary to Government

Memo No. 13240 /WR, Date: 4/6/2016

Copy forwarded to the EIC, WR, Bhubaneswar/ the EIC, Planning & Design, Water Resources/ All Chief Engineers, DoWR/ Chief Engineer & Basin Managers, DoWR/ Chief Construction Engineers, DoWR/ All Branches of DoWR/ 20 spare copies to Guard File for information and necessary action.


31/6/16
EIC-Cum- Special Secretary to Government