

Jammu & Kashmir State Water Resources Regulatory Authority

November - April
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May - October
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Subject:- Fixation of water usage charges for (i) extraction and usage of ground water and (ii) industrial use/ generation of electricity/ any other such use.

ORDER No. 89/JKSWRRA of 2014

DATED: 22 - 12 - 2014

Whereas, the Principal Secretary to Government, Public Health Engineering, Irrigation and Flood Control Department had issued Order No. WRRRA/01/2011 dated 01.02.2011 in exercise of powers conferred under clause (d) of Sub-section (1) of section 145 read with Sub-section (1) of section 139 of the J&K State Water Resources (Regulation & Management) Act, 2010, fixing water usage charges under following categories of use:

- (i) Extraction and usage of ground water and
- (ii) Industrial use/generation of electricity/any other such use.

Whereas, the said order was indicated as being valid for a period of two years w.e.f. the date of its notification, and also that it was to have a retrospective effect from the 10th of November, 2010 i.e. the date of commencement of the J&K State Water Resources (Regulation & Management) Act, 2010;

Whereas, the validity of the said order was extended for a further period of one year by the Authority vide its order No. 5-SWRRA of 2013 dated 21.02.2013;

Whereas; in terms of section 128 (2) and 145 (2) of the J&K State Water Resources (Regulation & Management) Act, 2010, the Authority shall/ may review and revise the water usage charges fixed by it after three years;

Whereas, the Authority in January 2014, after having given the matter a careful consideration, was of the view that presently there was no need for revising the water usage charges on account of (i) extraction and usage of ground water and (ii) industrial use/ generation of electricity/ any other such use; and ordered that water usage charges for (i) extraction and usage of ground water and (ii) industrial use/ generation of electricity/ any other such use fixed vide order No. WRRRA/01/2011 dated 01.02.2011 shall remain valid for a further period of one year i.e. upto 31.01.2015, unless otherwise modified by the Authority prior to the expiry of the said period vide its order No. 44- JKSWRRA of 2014 dated 31.01.2014;

Whereas, the J&K State Power Development Corporation Limited had filed a petition (Petition No.01/SWRRRA/2014) in January, 2014 under Section 128 of the J&K Water Resources (Regulation and Management) Act, 2010 praying for rationalization of water usage charges fixed by the Authority in respect of the generation of hydro electric power mainly on the ground that power projects with low heads were getting very adversely affected in terms of their economic viability under the present arrangement;

Whereas, the submissions made by the petitioner were thoroughly analyzed by the Authority and, it was fully convinced that in the interest of equity and with a view to creating a level playing field for developers of power projects, irrespective of the size of their projects, it had become imperative to rationalize the water usage charges for generation of electricity in such a manner as to substantially neutralise the adverse impact which projects with low heads are faced with under the present tariff structure, wherein all projects are required to pay water usage charges @ Rs 0.25 per Cum, and considering that projects with low heads require greater discharge for generation of the same amount of electricity, the incidence of these charges on such projects is much higher vis-a-vis projects with high heads;

Whereas, the Authority after considering all relevant aspects of the matter, has come to the conclusion that the best approach to having a rational and equitable tariff structure for water usage charges in respect of generation of electricity would be to broadly categorise projects in different ranges of heads, and having done that, to fix these charges for different categories/groups in such a manner as to have the same going up progressively from the lowest to the highest category, which shall ensure that the incidence of water usage charges in respect of the low head projects is substantially minimized;

Whereas, the Authority has accordingly decided to categorise projects in four ranges in terms of heads and fix water usage charges for each category separately as outlined below:

- i. For Hydro electric plants with head upto 30m : Rs 0.05/Cum
- ii. For Hydro electric plants with head from 31m to 60m : Rs 0.12/Cum
- iii. For Hydro electric plants with head from 61m to 90m : Rs 0.15/Cum
- iv. For Hydro electric plants with head above 90m : Rs 0.25/Cum

Whereas, the Authority after having given careful consideration to the matter regarding water usage charges for (i) extraction and usage of ground water and (ii) industrial use / any other such use is of the view that there is no need for revising these charges as fixed vide order No. WRRRA/01/2011 dated 01-02-2011;

Now, therefore, it is hereby ordered that the water usage charges in respect of (i) generation of electricity (ii) extraction and usage of ground water and (iii) industrial use / any other such use shall be levied w.e.f 1st January, 2015 at the following rates, which shall remain valid for a period of three years, unless otherwise modified by the Authority prior to the expiry of the said period:

a) Water usage charges for generation of electricity:

- i. For Hydro electric plants with head upto 30m : Rs 0.05/Cum
- ii. For Hydro electric plants with head from 31m to 60m : Rs 0.12/Cum
- iii. For Hydro electric plants with head from 61m to 90m : Rs 0.15/Cum
- iv. For Hydro electric plants with head above 90m : Rs 0.25/Cum

b) Water usage charges for extraction and usage of Ground Water.

| No. | Category of use | Usage charges |
|-----|---|---|
| 1. | Filling of water tankers for drinking or any other such use. | Rs. 10 per Kl |
| 2. | Industrial use (e.g cold drinks, breweries, mineral water, ice factory or any other such use) | Rs. 50 per Kl |
| 3. | Brick kiln for purpose of making bricks, tiles or any other such use. | Rs. 10 per 1000 bricks or tiles or any other such item. |
| 4. | Crushers where sprinkle of water is used. | Rs. 5 per hundred CFT of crushed material |

c) Water usage charges for Industrial use/ any other such use:

- Usage charges @ Rs. 0.25 per cubic meter of water used.

By Order of J&K State Water Resources Regulatory Authority.

Sd/-
Secretary
J&K State Water Resources
Regulatory Authority
Jammu

No: JKSWRRA/01/701-47/2014

Dated: 22-12-2014

Copy to the:-

1. Chairman, J&K State Electricity Regulatory Commission, Jammu
2. Principal Secretary to Government, Planning and Development Department.
3. Principal Secretary to Hon'ble Chief Minister.
4. Principal Secretary to Government, Finance Department.
5. Principal Secretary to Government, Power Development Department.

6. Commissioner/Secretary to Government, PHE, Irrigation & Flood Control Department.
7. Commissioner/Secretary to Government, Industries & Commerce Department.
8. Commissioner/Secretary to Government, R & B Department.
9. Commissioner/Secretary to Government, Revenue Department.
10. Divisional Commissioner, Jammu.
11. Divisional Commissioner, Kashmir.
12. Secretary to Government, General Administration Department.
13. Secretary to Government, Law, Justice and Parliamentary Affairs Department.
- 14-34. Deputy Commissioner (All) _____ .
35. Executive Director NHPC near Rail Head Complex, Jammu.
36. Managing Director, Power Development Corporation, J&K, Jammu.
37. Chief Engineer, PHE Jammu.
38. Chief Engineer, PHE Kashmir, Srinagar.
39. Chief Engineer, I&FC Jammu.
40. Chief Engineer, I&FC Kashmir, Srinagar.
41. Chief Engineer, RTIC, Jammu.
42. Principal Pvt. Secretary to Chief Secretary.
43. Special Assistant to Hon'ble Chief Minister (Power).
44. Special Assistant to Hon'ble Minister for PHE/I&FC.
45. Special Assistant to Hon'ble Minister for Industries & Commerce Department.
46. Private Secretary to Chairperson, JKSWRRA.
47. Record file.