



Government of Odisha
Department of Water Resources

No. 6604 /WR.,

Date: 4/3/2020

WR-MAJI-WRC-0005/2016 (OSWAS)

Irr.-II-WRC-72/20 (Physical)

From

Ms. Archana Patnaik, IAS.
Special Secretary to Government.

To

The General Manager,
M/s Hemagiri Coal Washery, ACB (India) Ltd.,
Vill: Kanika, P.O: Hemgir,
Dist.-Sundargarh-770013.

Sub: Allocation of 0.123 cusec of Surface Water from Brahmani Nala in favour of M/s Hemagiri Coal Washery, ACB (India) Ltd. for their 5.0 MTPA Coal Washery Plant at Village Kanika in the district of Sundargarh.

Sir,

I am directed to invite reference to the subject noted above and to say that Government in Water Resources Department have been pleased to allocate 0.123 cusec of surface water from Brahmani Nala in favour of your industry for 5.0 MTPA Coal Washery Plant at Village Kanika in the district of Sundargarh without assurance during lean season with the following terms & conditions:-

Terms and Conditions:-

1. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall make suitable arrangement to take the water from the Government water source at which it will be supplied. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall not use the water supplied to him for any purpose other than that which is specified in the schedule.
2. If the water rate / license fees for the aforesaid quantity of water or any part thereof, is not paid on or before the date specified in agreement it shall become payable at once (unless the Government sanctions for special reason an extension of time) and M/s Hemagiri Coal Washery, ACB (India) Ltd. and the sureties shall be liable jointly and severally to pay the same with compound interest at the rate of two percent per mensem from the date of default. All amounts due to the Government under terms of these presents shall, if not paid in time, be recoverable as a public demand under the Orissa Public Demands Recovery Act, 1962.

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3. (i) M/s Hemagiri Coal Washery, ACB (India) Ltd. shall be liable for criminal and civil action, if by drawal of water, the rights of any third party are affected and shall indemnify the Government against all claims for damage preferred by person or persons affected by the permission granted.
- (ii) M/s Hemagiri Coal Washery, ACB (India) Ltd. shall not without prior permission in writing from the Government lay pipeline on Government or communal lands. If the pipe lines have to pass through Government lands permission of the Government for this shall be taken separately which may be granted subject to the protection of rights of Government or community, as the case may be.
- (iii) M/s Hemagiri Coal Washery, ACB (India) Ltd. shall not draw or lift water more than the quantity mentioned in the requisition or order and not exceeding the volume mentioned in the Schedule except with the prior approval of the Government. The Executive Engineer shall assess the fees to be charged as per Unit /quantity of water drawn or allocated whichever is higher. If drawal is more than the allocation, a penal rate at six times the rate specified in Schedule III shall be charged on the quantity, of excess drawal, in addition to the normal bill on allocated quantity. The excess drawal is permissible for a maximum period of six months, within which licensee shall have to apply for a higher allocation of water with reason where the licensee fails to so apply for such higher allocation or where the licensee is refused for such higher allocation, the agreement shall be liable to cancellation and the water supplied shall be stopped thereafter.
- (iv) The permission granted shall not be deemed to exempt M/s Hemagiri Coal Washery, ACB (India) Ltd. from liability to payment of water charges lawfully assessable at the rate as may be prescribed by Govt. from time to time.
- (v) Government reserves the right to suspend or cancel the permission in case of violation of any of the covenants.
4. M/s Hemagiri Coal Washery, ACB (India) Ltd. at his own cost shall install a Flow Meter or a suitable measuring device for measurement of water drawn or lifted by him from the Govt. water source as per the procedure laid down in rule 23-A (b). The Executive Engineer shall visit the location of drawal or lifting of water, verify the quantities of water drawn or lifted by M/s Hemagiri Coal Washery, ACB (India) Ltd. and ensure such control as may be necessary for administering the drawal or lifting of water. Assessment of water rate shall be made as per the quantity of water drawn or allocated whichever is higher. In case of any



defect or non-functioning of the Flow Meter, the licensee shall bring the fact to the notice of the Executive Engineer forthwith and take appropriate steps to remove the defects in the Meter or for replacement thereof within a period of three months and in such cases the fees shall be charged on the quantity of water allocated for the said period of three months or till the defect in the Meter is removed or the Meter replaced, as the case may be whichever is earlier, and where the licensee fails to bring the defect or non-functioning of the Meter to the notice of the Executive Engineer or fails to remove the defects in the Meter or to replace the same, as the case may be, within a period of three months, the agreement shall be liable to cancellation and thereafter the water supply shall be stopped.

5. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall construct full proof effluent discharge plant before commissioning of the project. For proper test of such effluent there shall be computerized testing system and M/s Hemagiri Coal Washery, ACB (India) Ltd. shall give details of effluent discharged in the natural source (in river or nala).
6. For construction of head works and control mechanism i.e. intake well, pump house and other related facilities, M/s Hemagiri Coal Washery, ACB (India) Ltd. will get the land leased in their favour through IDCO as is done in respect of any other government land required by the industry. IDCO will make available land on long term lease to M/s Hemagiri Coal Washery, ACB (India) Ltd. The continuance of the lease agreement will subject to the condition that the industry shall pay water rates as per prevailing water rate and all other dues of Government and IDCO from time to time.
7. M/s Hemagiri Coal Washery, ACB (India) Ltd. would be required to pay 3 (three) months advance water charges in favour of Executive Engineer concerned in shape of Bank Draft or FDR duly discharged by the company as non-interest bearing security deposit and for 9 (nine) months a Bank Guarantee duly pledged in favour of concerned Executive Engineer. Onus of maintaining the Bank Guarantee lies with the company.
8. In case of water supply for M/s Hemagiri Coal Washery, ACB (India) Ltd. is to be met from a common source through a sharing mechanism, such common infrastructure for drawal of water will be constructed, maintained and operated either by IDCO or Special Purpose Vehicle (SPV) after taking due clearance from IDCO. Water will be supplied to Industry by IDCO/ SPV and they would also be liable for payment of water rate to the Govt. and will in turn have arrangements as similar therein as clauses (6) and (7) detailed earlier.

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9. M/s Hemagiri Coal Washery, ACB (India) Ltd. will not disturb the normal flow of water so that riparian rights in the downstream will be affected and the company shall have no claim on the account.
10. The drawal mechanism for raw water and disposal system of effluent to be established by the industry without disturbing existing eco system and environmental set up.
11. The Rehabilitation and Resettlement Action Plan/ Welfare Action Plan, if so required will be prepared in conformity with the current Orissa Rehabilitation and Resettlement policy and executed by its own cost under the supervision of the Water Resources Department and the Collector of the District.
12. M/s Hemagiri Coal Washery, ACB (India) Ltd. should not claim as a matter of right to get the desired quantity of water during non-monsoon and lean period to meet their full industrial use and the company has to make adequate storage facility for a period of 5 (five) months in their own land for supply of water to their plant during such period. In case shortage of water supply, M/s Hemagiri Coal Washery, ACB (India) Ltd. will adopt rationalization of water consumption or scale down its production. DoWR will not be responsible for the shortage of water supply to M/s Hemagiri Coal Washery, ACB (India) Ltd.
13. The safety design of all the structures lies fully on the company.
14. In case of any dispute / interpretation required, the decision of the Government in Water Resources Department shall be final.
15. The allocation of water will automatically lapse if the company does not use the water for the purpose applied for within three years of allotment.
16. The agreement shall be valid for a period of 3 year from the date of execution subject to the renewal of agreement by the Executive Engineer. For renewal of the agreement, the concerned drawee has to apply minimum three months before the expiry of the agreement.
17. If it is found that the industry is drawing water unauthorisedly before signing the agreement/ installation of flow-meter, the Executive Engineer will charge a penal rate at six times the normal rate as provided in Schedule-III of the Rule.
18. The Executive Engineer or his authorized representative reserves the right to inspect all installations of drawal and disposal mechanism during and after construction including intake structure, flow meter and treatment plant.

1. M/s Hemagiri Coal Washery, ACB (India) Ltd. will have to show clearly in water management plan as to what storage facility the company will create for the lean season and to what extent and how the water is going to be recycled which shall be a part of the project report of the unit.
20. M/s Hemagiri Coal Washery, ACB (India) Ltd. may engage at their own cost consultant(s) experienced in the field to take up field investigations, prepare design and drawing to set up the water supply scheme for drawing water from the water source for their proposed plant. The actual work will start only after approval of the scheme by the Chief Engineer & Basin Manager, UMB, Burla of water Resources Department who can inspect the work during the construction.
21. The exact place for lifting will be decided in consultation with the competent authority of Water Resources Department.
22. Department of Water Resources (DoWR) will not be responsible for non-availability of water due to dry season, disruption, repair & maintenance of River.
23. The agreement to be executed by the Industry/ commercial establishment with local authority/ Executive Engineer must be approved by the DoWR before drawal of water.
24. M/s Hemagiri Coal Washery, ACB (India) Ltd. will not be allowed to draw water from Brahmani Nala for five months for which the industry has to create its own storage in their plant area.
25. For optimizing the water use, M/s Hemagiri Coal Washery, ACB (India) Ltd. will have to adopt water harvesting measures in its plant premises. This is for minimizing the dependence on Brahmani Nala for its water requirement during the lean periods.
26. Allocation of water to the industry is subject to condition of water availability in future which depends upon upstream utilization & irrigation water supply.
27. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall follow the zero effluent discharge principle and satisfy State Pollution Control Board (SPCB) norms and obtain requisite permissions from the SPCB, Odisha before drawal of operational water.
28. M/s Hemagiri Coal Washery, ACB (India) Ltd. will be allowed to draw 0.123 cusec of surface water subject to the condition that the industry should get approval of the intake location and alignment of pipeline from the Chief Engineer & Basin Manager, UMB, Burla before execution. M/s Hemagiri Coal Washery, ACB (India) Ltd. will submit the detailed scheme i.e. detail intake well etc. to the Chief Engineer & Basin Manager,

UMB, Burla and only after approval of the scheme by him they will go ahead with the scheme for drawal of water.

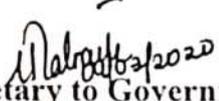
29. Drinking water supply and irrigation water supply to the command area of the Basin shall get priority over supply of water to the industry. Hence, considering the water availability to meet these demands Water Resources authorities will order for restriction of water drawal or complete stoppage of drawal of water from the river. In this regard, the orders of the Chief Engineer & Basin Manager, UMB, Burla is final and binding on M/s Hemagiri Coal Washery, ACB (India) Ltd.
30. The detailed designs and quality construction of all civil, electrical and mechanical works shall be of Indian standards and specifications for the intake works and all ancillary structures relating to the construction, operation and running maintenance of the intake works and water conductor system. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall be held responsible for the safety of the works.
31. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall have all necessary precautionary safety measures and emergency safety plan for the entire water supply scheme. Industry shall remain responsible for any loss caused to life and public and private properties.
32. M/s Hemagiri Coal Washery, ACB (India) Ltd. will be required to proportionately fund for the construction and maintenance of water storage structure proposed to be created for improving water supply condition of the river/ Nalla as per the decision of the Govt. in DoWR and M/s Hemagiri Coal Washery, ACB (India) Ltd. is benefited from it.
33. Government shall be at liberty to review the water allocation unilaterally in case of exigencies.
34. If the Industry violates any one of these conditions it may be lead to immediate cancellation of allocation
35. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall abide by the conditions laid down by the competent authority of DoWR during approval of scheme of drawal.
36. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall undertake water utilization audit in every three years and make the report availability for scrutiny by the competent authority of DoWR.

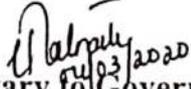
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37. License fees shall be charged and collected at the rate as specified in the schedule-III per unit or quantity of water actually drawn or allocated whichever is higher and shall be enhanced at the rate of ten percent per annum w.e.f. the first day of April.
38. M/s Hemagiri Coal Washery, ACB (India) Ltd. shall register the project in the IWRCRM website within 7 days of entry, after due execution of agreement with the concerned Executive Engineer of DoWR.

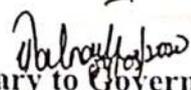
Yours faithfully

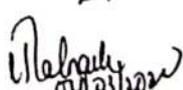
Memo No- 6605 /WR, Date: 4/3/2020 
Special Secretary to Government
Copy forwarded to the E.I.C., WR, Odisha, Bhubaneswar/ CE, Water Services, BBSR/ CE & BM, Upper Mahanadi Basin, Burla for information and necessary action.

Memo No. 6606 /WR Dtd. 4/3/2020 
Special Secretary to Government
Copy forwarded to Industries Department/ IPICOL / IDCO for information and necessary action.

Memo No. 6607 /Dt. 4/3/2020 
Special Secretary to Government
Copy forwarded to the Member Secretary, State Pollution Control Board (SPCB), BBSR for information and necessary action.

Memo No. 6608 /Dt. 4/3/2020 
Special Secretary to Government
Copy forwarded to Collector & District Magistrate, Sundargarh for information and necessary action.

Memo No. 6609 /Dt. 4/3/2020 
Special Secretary to Government
Copy forwarded to Executive Engineer, Sundargarh Irrigation Division, Sundargarh for information and necessary action.


Special Secretary to Government