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PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

THE HARYANA WATER RESOURCES (CONSERVATION, REGULATION AND MANAGEMENT) AUTHORITY

Notification

The 12th July, 2021

No. HWRA/163/Regu/2021.— In exercise of the powers conferred by Section 31 and other provisions of the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020 (Haryana Act No.29 of 2020) and all other powers enabling the Authority in this behalf, the Haryana Water Resources Authority makes the following Regulations for conduct of its proceedings and discharge of its functions:-

CHAPTER I

GENERAL

1. Short title, commencement and interpretation:-

- (1) These Regulations may be called the Haryana Water Resources (Conservation, Regulation and Management) Authority (Conduct of Business) Regulations, 2021.
- (2) These Regulations shall extend to the whole of the State of Haryana.
- (3) These Regulations shall come into force on the date of their publication in the official gazette.

2. Definitions:-

- (1) In these Regulations, unless the context otherwise requires :
 - a. 'Act' means the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020.
 - b. 'Affected person' is any person or group or category of persons whose rights or obligations are directly affected or altered or likely to be affected or altered by any proceeding of the Authority.
 - c. 'Officer' means an Officer of the Authority;
 - d. 'Petition' shall include any complaint or objection or application or representation to the Authority required to be made under the Act or which the Authority has jurisdiction to consider under the Act.
 - e. 'Fee' means any fee, charge, cess, levy, penalty, compensation or compounding fee;
 - f. 'Fund' means the Haryana Water Resources Authority Fund;
 - g. 'Proceedings' means proceedings of any nature, which the Authority may decide to initiate or hold in the discharge of its functions and include hearings, deliberations & consultations;
 - h. 'Receiving officer' means the officer designated for receiving any Petition.
 - i. 'Secretary' means the Secretary of the Authority;
 - j. 'Water user' means any person who uses or seeks to use any water whether surface water or ground water for any purpose;

- k. **'Water services'** includes the extraction, carriage, storage, supply or disposal of water by any means, the treatment of water, the recycling or reuse of water and all related activities including administration, management, operation, maintenance, repair and the financing thereof; and the design, creation, construction or operation and maintenance of any infrastructure, machinery, equipment etc. required for such purposes.
- (2) Words and expressions occurring in these Regulations and not defined herein but defined in the Haryana Water Resources (Conservation, Regulation and Management) Authority Act, 2020 shall have the same meaning as in the Act. In case where the Act does not explain the meaning of any word or expression, the General Clauses Act, 1897 shall apply for the interpretation of such word or expression.
- 3. The offices, office hours and sittings of the Authority:-**
- (1) The place of the headquarter of the Authority shall be at Panchkula or may from time to time be specified by the Authority by an order made in that behalf.
- (2) Unless otherwise directed, the headquarters and other offices of the Authority shall be open daily except on Saturdays, Sundays and other holidays, as may be notified by the Government from time to time.
- (3) The headquarters and other offices of the Authority shall be open at such timings as decided by the Chairperson, from time to time.
- (4) The Authority may hold sittings for hearing matters at the headquarters or at any other place on the day and time to be decided by the Authority.
- 4. Seal of the Authority:-**
- The Authority shall have its own seal. Any document requiring authentication by the Authority shall be issued under the seal of the Authority. The seal shall remain in the custody of the Secretary/ Executive Director or any other officer authorized by the Authority in this behalf.
- 5. Functions and Duties of the Secretary:-**
- (1) The Secretary shall report to the Chairperson and shall exercise such functions as are assigned to him/her by these Regulations or otherwise by the Chairperson.
- (2) In particular and without prejudice to the generality of the provisions of clause (1) above, the Secretary's functions shall include:
- (i) to receive or cause to be received all petitions, applications, and other filings made to the Authority;
- (ii) to assist the Authority in proceedings conducted by the Authority;
- (iii) to authenticate or cause to be authenticated the orders passed by the Authority;
- (iv) to ensure compliance of the orders passed by the Authority;
- (v) to collect from the State Governments, the Central Government and their agencies, water users, entities, or any other person, such information, records, documents, reports as may be considered useful for the purpose of efficient discharge of the functions of the Authority under the Act and;
- (vi) to correspond with and co-ordinate with the State Governments, Central Government & their agencies after approval of the Chairperson.
- (3) The Authority may delegate to the Secretary or other officers, such functions of the Authority, as the Authority may direct for the purpose.
- (4) The Secretary or any other officer designated by the Authority in this regard, shall have the custody of the Seal and records of the Authority.
- (5) The Secretary may, with the approval of the Chairperson, delegate to any other Officer of the Authority any function required by these Regulations or otherwise to be performed by the Secretary.
- (6) In the absence of the Secretary, such other officer of the Authority, as may be nominated by the Chairperson, may exercise the functions of the Secretary.
- (7) The Officers of the Authority shall report to the Chairperson whereas staff of the Authority shall report to the Secretary of the Authority.
- 6. Authorized representative to appear before the Authority:-**
- (1) A person may appear himself or may authorize any of his employees or any other person to appear before the Authority and to act and plead on his behalf.
- (2) A person may authorize an advocate or a member of any statutory professional body as the Authority may from time to time recognize for the purpose, to represent him and to act and plead on his behalf before the Authority.

- (3) The Authority may, from time to time, decide the terms and conditions subject to which a person may authorize any other person to represent him and to act and plead on his behalf and the type of authorization to provide to the Authority for the purpose.

CHAPTER II

GENERAL RULES CONCERNING THE PROCEEDINGS BEFORE THE AUTHORITY

7. Proceedings before the Authority:-

- (1) The Authority may, from time to time, hold such proceedings as it may consider appropriate in discharge of its functions under the Act.
- (2) The quorum for the proceedings of the Authority shall be Chairperson and two Members.
- (3) All matters which the Authority is required under the Act to undertake and discharge through hearings shall be done through hearings in the manner specified under the Act and in these Regulations.
- (4) The Authority may hold hearings in matters other than those specified in clause (3), if the Authority considers it to be appropriate.
- (5) The Authority may hold consultations with any person or persons before deciding on the initiation of a proceeding in any matter.
- (6) The record of all proceedings of the Authority shall be maintained by the Secretary or any other officer authorized by the Secretary in that behalf, and shall be approved by the Chairperson or as directed by the Chairperson, from time to time.
- (7) Proceedings may be conducted in any appropriate format including by electronic means such as video conferencing or teleconferencing.

8. Initiation of Proceedings:-

- (1) The Authority may initiate any proceeding suo moto or on a petition filed by a petitioner, applicant or an affected person.
- (2) When the Authority initiates the proceeding, it shall be by a notice issued by the office of the Authority and the Authority may give such orders or directions as may be deemed necessary, for service of notices to the affected persons and for the filing of replies to the petition in such form as the Authority may direct.
- (3) The Authority may, if it considers it to be appropriate, issue orders for issue of public notice inviting comments from affected persons on the issues involved in the proceedings in such form as the Authority may direct.
- (4) While issuing the notice, the Authority may if it deems fit, in suo moto proceedings and in other appropriate cases, designate an officer of the Authority or any other person whom the Authority considers appropriate, to present the matter in the capacity of a petitioner in the case.
- (5) The Authority may appoint or authorize any officer to conduct any inquiry including field inspections in the suo moto proceedings or in any other appropriate cases and to submit report to the Authority.

9. Petitions before the Authority:-

- (1) All petitions shall contain a clear and concise statement of the facts with material particulars, the applicable provisions of law, the relief or decision sought and the basis for such relief or decision.
- (2) The contents of the petition shall be divided appropriately into separate paragraphs, which shall be numbered serially. All petitions shall be typed, computer typed or printed neatly with black ink in a legible font and with double line spacing.
- (3) All petitions shall be filed in four hard copies and one identical soft copy or such other number of copies as the authority may require, and all such copies shall be complete in all respects.
- (4) The petition complete in all respects shall be accompanied by such documents, supporting data and statements, as are relevant to the matters in issue in the petition.
- (5) The general heading in all petitions before the Authority and in all notices including public notices in proceedings shall be in the Form attached to these Regulations as Appendix 1, unless the Authority directs otherwise.
- (6) The petition shall clearly state that either there is no case pending in any court of law or decided by a court of law with regard to the subject matter in the petition or if such a case is pending or has been decided by a court of law, the petition shall provide complete details of all such cases and the orders and decisions therein.
- (7) The fee specified by the Authority shall be paid at the time of filing of the petition unless otherwise directed by the Authority.
- (8) All Petitions filed shall be supported by an affidavit and every such affidavit shall be in the Form attached to these Regulations as Appendix 2.

- (9) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation email address, mobile number and postal address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorized to take and receive affidavits.
- (10) Every affidavit shall clearly and separately indicate the statements which are true to the:-
 - (i) knowledge of the deponent; and
 - (ii) information received by the deponent
- (11) Where any statement in affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.

10. Presentation, Scrutiny and admission of the petitions:-

- (1) All petitions shall be presented in person or by any duly authorized agent to the Receiving officer at the headquarters of the Authority or at such other place or places and during the time, as may be notified by the Authority from time to time. The petition may in the alternative be sent by registered post with acknowledgment due to the Authority at the places mentioned above.
- (2) The vakalatnama in favour of the Advocate and, in the event the petition is presented by an authorized agent or representative, the document authorizing the agent or representative shall be filed along with the petition.
- (3) The Chairperson or any Member or officer as the Chairperson may designate for the purpose, shall be entitled at any time to call for the petition presented by the party and give such directions regarding the presentation and acceptance of the petition as he considers appropriate.
- (4) If on detailed examination, the petition is not rejected or any order of rejection is modified by the Chairperson or the Member/Officer designated for the purpose, and the petition is found to be complete in all respects then it shall be registered and given a number.
- (5) The petition shall thereafter be placed, before the such member or members of the Authority as may be designated by the Chairperson, in this behalf, for admission, as soon as possible.
- (6) The Authority may admit or reject the petition for hearing without requiring the attendance of the party filing the petition. The Authority may, if it considers appropriate, issue notice to such person or persons as it may desire to hear on the petition for admission.
- (7) If the Authority admits the petition, it may pass such orders or directions as may be considered necessary, for service of notices to the respondents and other affected persons and for the filing of replies to the petition in such form as the Authority may direct.

11. Fee on petitions:-

- (1) Every petition made to the Authority shall be accompanied by appropriate fees specified in the Schedule to these Regulations (Appendix-3, Schedule of Fees) or as may be specified by the Authority, from time to time.
- (2) The fees payable under these Regulations shall be paid into the Fund of the Authority by means of a bank draft or pay order drawn on any Scheduled Bank payable at Panchkula or through electronic means including IMPS, RTGS, NEFT, electronic wallet, credit card, debit card etc. in favour of Haryana Water Resources Authority.
- (3) Any fee received by the Authority in cash shall be deposited in the bank account of the Fund maintained by the Authority.
- (4) The depositor shall submit proof of the payment of fee along with application/ petition made to the Authority.
- (5) The Authority may amend or vary any of the provisions regarding the amount of fee payable as provided in the Schedule to these Regulations by an order to be made by the Authority.

12. Appeal to the Authority:-

- (1) Any person aggrieved against any order passed by the Authority under Regulation 8, may prefer an appeal before the Chairperson of the Authority in the Form attached with these Regulations as 'Form AWRA'.
- (2) The appeal shall be referred within a period of 30 days from the passing of any order under Regulation 8:

Provided that the Chairperson may admit the appeal after expiry of 30 days for the reasons to be recorded in writing on the application of the appellant for condonation of delay:

Provided further, the Chairperson shall not entertain the appeal after expiry of 60 days from the date of order passed under Regulation 8.

13. Service of notices and processes issued by the Authority:-

- (1) Any notice or process issued by the Authority may be served by any one or more of the following modes as may be directed by the Authority:
 - (i) service by the party filing the petition;
 - (ii) by hand delivery through a messenger;
 - (iii) by registered post with acknowledgment due;
 - (iv) electronically including email, publication on website etc.;
 - (v) by publication in newspaper and/or on electronic form including websites in cases where the Authority is satisfied that it is not reasonably practicable to serve the notice or process on any person in the manner mentioned above.
- (2) The Authority may also effect service or give directions for effecting service in any other manner it considers appropriate.
- (3) The Authority shall have power to decide in each case the person(s) who shall bear the cost of service or publication of the notice or process.
- (4) Save as otherwise provided in the Act or in these Regulations and subject to any direction which the Authority or the Secretary or the officer designated for the purpose may issue, the Petitioner or any other person whom the Authority may make responsible, shall arrange for service or publication of notice or process required to be served or published.
- (5) In default of compliance with the requirements of these Regulations or directions of the Authority as regards the service or publication of notice or process, the Authority may either dismiss the petition or give such other or further directions, as it thinks fit.
- (6) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Authority is satisfied that such service is in other respects sufficient and the person served will not be adversely affected by reason of such defect.
- (7) No proceeding shall be invalidated by reason of any defect or irregularity in the service or publication unless the Authority is of the opinion that substantial injustice has been caused by such defect or irregularity.

14. Filing of reply, objection etc.:-

- (1) Each person to whom the notice of any petition or proceedings is issued (hereinafter called the Respondent), shall file the reply and the documents relied upon within the stipulated period and in such number of copies (including electronic copies) as may be directed by the Authority.
- (2) The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the petition.
- (3) The respondent shall, before filing the reply, serve a copy of the reply along with the documents duly attested to be true copies, on the Petitioner or his authorized representative and file proof of such service with the office of the Authority at the time of filing the reply.
- (4) The Authority may permit any such affected person who responds to a public notice as it may consider to be appropriate to participate in the proceedings before the Authority.

15. Procedure to be followed where any party does not appear:-

- (1) If, on the date fixed for hearing, any party or his authorized agent or representative does not appear when the matter is called for hearing, the Authority may, in its discretion, postpone the hearing to another date or dismiss the petition for default when the Petitioner or the person who moves the Authority for hearing is absent or proceed ex-parte to hear and decide the petition if the other party is present.
- (2) Where a petition is dismissed in default or decided ex-parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex-parte, as the case may be, for recall of the order passed, and the Authority may recall the order on such terms as it thinks fit, if the Authority is satisfied that there was sufficient and just cause for the non-appearance of the person when the petition was called for hearing on the date of hearing under clause (1) above.