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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 appellants 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.

16. Hearings:-

- (1) The Authority may determine the manner, the place, the date and the time of hearings as the Authority considers appropriate, consistent with such specific timing requirements as are set forth in the Act or otherwise the need to expeditiously decide the matter. The hearings may be held through video conferencing, conference calls or other electronic means.
- (2) The Authority may decide the matter on the pleadings of the parties or may call the parties to produce evidence by way of affidavit or to lead oral evidence in the matter.
- (3) If the Authority directs evidence of a party to be led by way of affidavit, the Authority may, as and when the Authority considers it to be necessary, allow the other party to cross-examine the deponent of the affidavit.
- (4) The Authority may direct the parties to file written note of arguments or submissions in any proceeding before the Authority as the Authority considers it to be appropriate.

17. Power of the Authority to call for information etc.:-

- (1) The Authority may, at any time before passing orders on the matter, require the parties or any one or more of them or any other person whom the Authority considers appropriate, to produce such documentary or other material objects as evidence, as the Authority may consider necessary for the purpose of enabling it to pass orders.
- (2) The Authority may direct the summoning of the witnesses, the discovery and production of any document or other material objects producible in evidence, the requisition of any public record from any office, the examination by an Officer authorized by the Authority of the books, accounts or other documents or information in the custody or control of any person which the Authority considers relevant for the matter.
- (3) The Authority may, if it considers appropriate, allow any of the parties or others specified in clauses (1) or (2) above, to adduce such further documentary or other evidence in regard to evidence made available by any of the parties or other persons under the said clauses.
- (4) The Authority may, at any time, summon and enforce the attendance of any person and examine him on oath.
- (5) The Authority may receive evidence by way of affidavit.
- (6) The Authority may authorize the Member or Secretary or any other officer, of the Authority, to examine witnesses.

18. Reference of issues by the Authority:-

- (1) At any stage of the proceedings, the Authority shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons, including, but not limited to the officers and consultants of the Authority, whom the Authority considers appropriate
- (2) The Authority may nominate, from time to time, any person including, but not limited to, Members, its officers, government officers or consultants, to visit any place or premises for inspection and give a report on the existence or status of the infrastructure, facilities, machinery, equipment, structures etc. at such place or premises.
- (3) The Authority, if it thinks fit, may direct the parties to the proceedings to appear before the persons designated in clause (1) or (2) above to present their views on the issues or matters referred to.
- (4) The report received from the person shall form a part of the record of the case and parties shall be given the copies of the report. The parties shall be entitled to file their response to the report.
- (5) The Authority shall take into account the report given by the person and the replies filed by the parties while deciding the matter and if considered necessary, examine the person giving the report:

Provided that the Authority shall not be bound by the report given and shall be entitled to take such decision as it may consider to be appropriate.

19. Orders of the Authority:-

- (1) The Authority shall pass orders on the petition and the Chairperson and/or the Member(s) who heard the matter shall sign the orders.
- (2) The reasons given by the Authority in support of the orders, including those by the dissenting member, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.

- (3) The Authority may from time to time pass such interim orders in any proceeding, hearing or matter before the Authority, as the Authority may consider to be appropriate. The Authority may from time to time amend, vary or vacate the interim order earlier passed in the matter as the Authority may consider to be appropriate.
- (4) All orders and decisions issued or communicated by the Authority shall be certified by the Secretary or an Officer empowered in this behalf by the Authority and bear the official seal of the Authority.
- (5) All final orders of the Authority shall be communicated to the parties in the proceedings under the signature of the Secretary or an officer empowered in this behalf by the Authority.

20. Inspection of records and supply of certified copies:-

- (1) Records of every proceeding shall be open to the inspection of the parties or their authorized representatives at any time either during the pendency of the proceeding or after the orders are passed, subject to payment of fee and complying with such other terms as the Authority may direct including in regard to time, place and manner of inspection.
- (2) Any person shall be entitled to obtain certified copies of the orders, decisions, directions given by the Authority as well as the pleadings, papers and other parts of the records of the Authority to which he is entitled for inspection under these Regulations subject to payment of fee and complying with other terms which the Authority may direct.

CHAPTER –III

INVESTIGATION, INQUIRY, COLLECTION OF INFORMATION, ETC.

21. Collection of information:-

- (1) The Authority may make such order as it thinks fit in terms of the provisions of the Act for collection of information, inquiry, investigation, entry and inspection and without prejudice to the generality of its powers, undertake the following:
 - (i) The Authority may specially authorize any Member or officer to enter any building or place where the Authority has reason to believe that any document relating to the subject matter of the inquiry or adjudication with the Authority may be found and to inspect any such document or take extracts or copies therefrom;
 - (ii) In the exercise of powers conferred on it by the Act, the Authority may, at any time, by order in writing, direct any person specified in the order to inspect the affairs of the water user or entity and report to the Authority.
 - (iii) The Authority may from time to time authorize any person to inspect the premises of any water-user or Entity or category or class of such water-users or Entities for the purpose of compliance with directions and conditions of the Authority or with provisions of the Act, Rules and Regulations framed thereunder.
 - (iv) The Authority may specify the information and records to be maintained by the Entities or Water-users and also direct the manner in which such information shall be reported and the checks and verifications to be adopted;
 - (v) the Authority may, at any time, direct the Secretary or any one or more officers or consultants or any other person as the Authority considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Authority;
 - (vi) the Authority may for the above purpose give such other directions as it may deem fit and direct the time within which the report is to be submitted or information furnished;
 - (vii) the Authority may issue or authorize the Secretary or an officer to issue directions to any person to produce before it and allow to be examined and kept by an officer of the Authority specified in this behalf, the books, accounts and other documents;
 - (viii) the Authority may, for the purpose of collecting any information, particulars or documents which the Authority considers necessary in connection with the discharge of its functions, issue such directions and follow any one or more of the methods provided for in the Act as the Authority considers to be appropriate;
 - (ix) if any such report or information obtained as specified in the Act or in these Regulations appears to the Authority to be insufficient or inadequate, the Authority or Member or the Secretary or an officer authorized for the purpose may give directions for further inquiry, report and furnishing of information; and

- (x) the Authority may direct that such incidental, consequential and supplemental matters which may be considered relevant in connection with the above, be attended to.
- (2) On receipt of the report from the appointed Enquiry officer, and after giving an opportunity to the Entity or water user, as the case may be, to make a representation in connection with the report, the Authority may make an order to require the Entity or water user to take such action in respect of any matter arising out of the report as the Authority may think fit;
- (3) The Authority may, after giving reasonable notice to the entity or water user, as the case may be, publish the report submitted by the Enquiry Officer or such portion(s) thereof as may appear to the Authority to be necessary.
- (4) The Authority may, at any time, take the assistance of any institution, consultants, experts, engineers, chartered accountants, advocates, surveyors and such other technical and professional persons, as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit report or reports or furnish any information. The Authority may determine the terms and conditions for engagement of such professionals.

CHAPTER IV

NON-COMPLIANCE OF DIRECTIONS

22. Enquiry regarding failure to comply with Directions:-

- (1) The Authority may initiate an enquiry upon receiving a complaint or on its own if the Authority has reason to believe that the facts made known prima-facie constitute non-compliance or violation by an entity or water-user or other person of any provision or requirement of the Act or of any of the Rules or Regulations framed thereunder or of directions or orders of the Authority.
- (2) If the Authority has reason to believe on the basis of the information received or otherwise that there is a prima-facie cause to proceed in the matter, a notice shall be issued to the person alleged to be responsible for non-compliance or violation to show cause within a reasonable time (not less than seven days) as to why the Authority should not take action on him. The notice shall state the substance of the allegation against such person with specific reference to the alleged non-compliance or violation.
- (3) On the date fixed in the notice for appearance, the Secretary or authorized officer shall explain to the person concerned or his authorized representative, the nature of non-compliance or violation alleged to have been committed by such person.
- (4) Where such person appears in response to the notice and admits the truth of the allegation by a memorandum in writing, the Authority shall record the response and may take such measures as it may consider appropriate in accordance with the provisions of the Act and the Regulations.
- (5) Where such person on appearance does not admit the alleged violation or non-compliance and demands a hearing, the authority shall either proceed in the matter in accordance with the provisions of the Act and Regulations and may appoint a Member or an officer to enquire into the matter.
- (6) If any person to whom a notice has been issued fails without reasonable cause to appear before the Authority on the date fixed for hearing or any subsequent date to which the proceeding may have been adjourned, the Authority may at its discretion proceed with the case ex-parte in the absence of such person.
- (7) The Authority or the Secretary or the officer authorized for the purpose, at any stage of the proceeding, shall have the power to summon and enforce the attendance of any person who appears to be acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the Authority, or Secretary or authorized officer appears to be material or relevant to the subject matter of the proceeding.

23. Violation of directions issued under the provisions of the Act and rules, regulations and guidelines made thereunder

- (1) In case the Authority arrives at a decision that a person has willfully failed to comply with any directions issued or conditions imposed under the provisions of the Act and rules, regulations and guidelines made thereunder, the Authority may issue orders, including, banning the operation of machinery, using electricity or carrying on any industrial or non industrial processes which utilize water in the premises where the violation or failure to comply has occurred.

"The Authority may issue orders banning or restricting the operation of any machinery or equipment used for creating a source of groundwater or for extracting conveying, storing or utilizing groundwater

or surface water by any person in violation of such directions or conditions. Such a ban or restriction on operations may include restrictions on activities of any persons engaged in or associated with the operation of such machinery, equipment or structures."

- (2) In case the Authority arrives at a decision that a person has committed an offence, punishable under the provisions of the Act, or under any other law, for the time being in force, it shall refer its report by way of a complaint in writing made by the Secretary or any other officer of the Authority.

CHAPTER V

PROCEDURE FOR MEETINGS OF THE AUTHORITY

24. Participation of non-members in the meeting of the Authority:-

The Chairperson shall have the power to invite any person or any officer of the Authority, whose assistance or advice, in the opinion of the Chairperson, as the case may be, is considered necessary for deciding any question under consideration of the Authority in such meeting:

Provided that such person or such officer shall have the right to attend such meeting of the Authority and to take part in the discussions but shall not have the right to vote.

25. Maintenance of order at meetings:-

- (1) The Chairperson shall preserve order at the meeting of the Authority and shall have all powers necessary for the purpose of preserving such order.
- (2) The Chairperson over a meeting may direct any member whose conduct is in his opinion disorderly to withdraw immediately from the meeting, and any member so directed to withdraw shall do so forthwith and shall absent himself during the remainder of the meeting.
- (3) In the case of grave disorder arising in a meeting the Chairperson may, if he thinks it necessary to do so, adjourn the meeting to a date or time specified by him.

26. Minutes of proceedings:-

- (1) Minutes of meeting shall be drawn up and recorded by the Secretary and shall be signed by the Chairperson.
- (2) With respect to every meeting in which one or more members have participated through the electronic mode, the scheduled place of the meeting as set forth in the notice convening the meeting shall be deemed to be the place of the said meeting and all recordings of the proceedings at the meeting in the minutes shall be deemed to be made at such place:

Provided that the minutes shall disclose the particulars of the members who attended the meeting through electronic mode and the location from where the member has attended.

- (3) Minutes of the proceedings of each meeting of the Authority shall be circulated through the registered electronic mail address, as soon as may be after it has been signed by the Chairperson, to all the members of the Authority and shall be laid before the next ensuing meeting of the Authority.
- (4) Every member who attended the meeting shall give his comments or objection(s), if any, in writing or through electronic mail of the Authority, regarding the accuracy of recording of the minutes of that particular meeting, within seven days from the date of issue of the minutes failing which it shall be presumed that there are no objection(s) to the minutes as recorded:

Provided that where a member has given his comments or objection(s), such comments or objection(s) shall be placed before the Authority in its next ensuing meeting.

- (5) The officer of the Authority as may be authorized, by general or special order by the Chairperson, forward to the State Government a copy of the minutes of the proceedings of each meeting of the Authority.
- (6) The State Government may ask for a copy of any paper or all the papers which were laid before the Authority and such officer authorized by the Chairperson, shall forward to the Government, a copy of such paper or papers.

27. Validation of proceedings:-

Every meeting of the Authority, the minutes of proceedings of which have been duly drawn up and signed shall be deemed to have been duly convened and to be free from all defects and irregularities.

28. Special provisions regarding attendance through electronic mode:-

- (1) A member intending to participate through electronic mode may communicate, at least forty eight hours prior to the meeting, his intention to the Secretary, so as to enable suitable arrangements to be made in this behalf.
- (2) In the absence of any intimation under sub-rule (1), it shall be assumed that the member shall attend the meeting in person.

**CHAPTER VI
OTHER MATTERS**

29. Review of decisions, directions and orders:-

- (1) Any person aggrieved by a decision or order of the Authority, from which no appeal is preferred or allowed, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decision/order was passed by the Authority or on account of some mistake or error apparent on the face of record, or for any other sufficient reason, may apply for review of such order within 60 days of the date of decision/ order of the Authority.
- (2) An application for review shall be filed in the same manner as a petition under Chapter II of these Regulations.
- (3) The application for review shall be accompanied by such fee as may be specified by Authority.
- (4) When it appears to the Authority that there is no sufficient ground for review, the Authority shall reject such review application.
- (5) When the Authority is of the opinion that application for review should be admitted, it shall admit the same and direct to issue notice to the concerned parties.
- (6) The review application / petition filed before the Authority shall be dealt with as expeditiously as possible.
- (7) No application for review shall be entertained unless it is supported by an affidavit as per these Regulations as applicable to a petition.
- (8) The quorum for the meeting of the Authority to review any previous decision taken by the Authority shall be the same as it was at the time of taking of that decision, and shall be chaired by the Chairperson.
- (9) When an application for review of any judgment or order has been made and disposed of, no further application for review shall be entertained in the same matter.

30. Continuance of proceedings after death, etc.:-

- (1) Where in any proceeding any of the parties to the proceeding dies or is adjudicated as an insolvent and in the case of company, it being under liquidation or winding up or subject to amalgamation, merger etc, the proceedings shall continue with the successors-in-interest, executor, administrator, receiver, liquidator or other legal representative of the party concerned. The Authority may, for reasons to be recorded, treat the proceeding as abated in case the Authority so directs and dispense with the need to bring the successors-in-interest to come on record.
- (2) In case any person wishes to bring on record the successors-in-interest etc., the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest etc. to come on record.

Provided that the Authority may, if it is satisfied that there is sufficient cause for not filing the application within the time allowed, condone the delay subject to such terms and conditions, as the Authority may consider appropriate.

- (3) If the person fails to bring on record the successor-in-interest etc. within the time allowed under clause (2) and in the event the application for condoning the delay in bringing on record the successor-in-interest is filed but delay is not condoned under the proviso to clause (2), the proceedings against the deceased person shall abate.

31. Proceedings to be open to public:-

The proceedings before the Authority shall be open to the public subject to availability of sitting accommodation. The proceedings conducted by electronic means shall be open to the public subject to availability of land width & technological constraints:

Provided that the Authority may, if it thinks fit, and for reasons to be recorded in writing, order at any stage of the proceedings of a case that the public generally or any particular person or group of persons shall not have access to or be or remain in, the room or building used by the Authority for the purpose of conduct of the proceeding.

32. Publication of petition:-

- (1) Where any application, petition, or other matter is required to be published under the Act or these Regulations or as per the directions of the Authority, it shall, unless the Act or these Regulations otherwise provide, be published within such time as the Authority may direct and in the absence of any specific direction to the contrary not less than 5 days before the date fixed for hearing and further unless otherwise directed by the Authority such publication shall be done in newspapers at least one each in English and Hindi Languages having circulation in the area concerned.
- (2) Except as otherwise provided, such publications shall give a heading describing the subject matter in brief.
- (3) Such advertisement to be published shall be approved by the Secretary or any other officer of the Authority designated for the purpose by the Secretary.
- (4) A copy of the Publication and related details shall be placed on the website of the authority.

33. Implementation of Regulations:-

Subject to the provisions of the Act and these Regulations, the Authority may, from time to time, issue orders and directions in regard to the implementation of the Regulations and procedure to be followed on various matters which the Authority has been empowered by these Regulations to lay down.

34. Saving of inherent power of the Authority:-

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Authority to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Authority.
- (2) Nothing in these Regulations shall bar the Authority from adopting a procedure, which is at variance with any of the provisions of these Regulations, if the Authority, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient.
- (3) Nothing in these Regulations shall, expressly or impliedly, bar the Authority to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Authority may deal with such matters and exercise powers and functions in a manner it thinks fit.
- (4) All references to the 'Authority' in these Regulations include a reference to the concerned quorum or officer authorized to take the required action or decision on behalf of the Authority.

35. General power to review and rectify:-

- (1) The Authority may on its own motion review any of its decision, direction or orders and pass such appropriate orders as the Authority thinks fit.
- (2) The Authority may, at any time, rectify any defect or error in any proceeding before it.

36. Power to remove difficulties:-

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act or Rules framed thereunder which appears to it to be necessary or expedient for the purpose of removing the difficulty.

37. Extension or abridgment of time allowed:-

Subject to the provisions of the Act, the time allowed by these Regulations or by order of the Authority for doing any act may be extended or abridged by order of the Authority.

38. Effect of non-compliance:-

The failure to comply with any requirement of these Regulations shall not invalidate any proceeding merely by reason of such failure unless the Authority is of the view that such failure has resulted in miscarriage of justice.

39. Costs:-

- (1) Subject to such conditions and limitations as may be directed by the Authority, the cost of all proceedings shall be awarded at the discretion of the Authority and the Authority shall have powers to determine by whom and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.
- (2) The costs shall be paid within 30 days from the date of the order or within such time as the Authority may, by order, direct. The order of the Authority awarding costs shall be executed in the same manner as the decree or order of a Civil Court.

40. Enforcement of orders passed by the Authority:-

The Secretary or the officer authorized by the Authority shall have the power to enforce the compliance of the orders passed by the Authority, by the persons concerned in accordance with the provisions of the Act or the Rules framed thereunder and these Regulations.

KESHNI ANAND ARORA,
Chairperson,
Haryana Water Resources Authority,
Panchkula.

APPENDIX-1**FORM-I***(See Regulation 9)***General Heading for Proceedings****BEFORE THE HARYANA WATER RESOURCES AUTHORITY****Date :**

FILE No.

CASE No.

(To be filled by the Office)

IN THE MATTER OF :

Names and full addresses of the petitioners/applicants along with email and mobile number and names and full addresses (including email and mobile number of respondents if known) of the respondents.

ON THE SUBJECT OF :

(Gist of the purpose of the petition or application)

With reference to Sections _____, of the HARYANA WATER RESOURCES (CONSERVATION, REGULATION AND MANAGEMENT) AUTHORITY ACT.

APPENDIX-2**FORM 2***(See Regulation 9)***BEFORE THE HARYANA WATER RESOURCES AUTHORITY**

FILE No.

CASE No.

(To be filled by the Office)

IN THE MATTER OF:

(Names and full addresses of the petitioners/applicants and names and full addresses of the respondents)

ON THE SUBJECT

(Gist of the purpose of the petition or application)

Affidavit

I, _____ Son/daughter of _____ aged _____ residing
at _____ mobile no _____ email _____ do hereby solemnly affirm and
state as follows:

1. I am the petitioner/Director/Secretary/ _____ of _____ Limited and the petitioner in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.
2. All the statements made in the petition which contains _____ paragraphs & _____ pages are true to my knowledge.
3. The statements made in the paragraphs _____ are based on information received from _____ or are based on the records of _____ and I believe them to be true.

Deponent

Verification:

I, the above named deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed therefrom.

Verified at _____ on the _____ day of _____

Deponent

Appendix-3*(See Regulation 11)***SCHEDULE OF FEES**

Sr. No	Nature of Petition/Application	Fee in Rs.
1.	Fee for filing of petition excluding objection	500/-
3.	Fee for filing of appeal	2000/-
4.	Fee for filing of objection before the Authority	1000/-

FORM 'AWRA'*[See Regulation 12(1)]***APPEAL TO WATER RESOURCES AUTHORITY**

For use of Chairperson's office:

Date of filing: _____

Date of [receipt at the filing counter of the Registry/ receipt by post/ online filing]:

Appeal No.: _____

Signature: _____

Registrar: _____

IN THE OFFICE OF HARYANA WATER RESOURCES AUTHORITY (Name of place)

Between

_____ Appellant(s)

And

_____ Respondent(s)

Details of appeal:

1. Particulars of the appellants:

(i) Name(s) of the appellant:

(ii) Address of the existing office / residence of the appellant:

(iii) Address for service of all notices:

(iv) Contact Details (Phone number, e-mail, Fax Number etc.):

2. Particulars of the respondents:

(i) Name(s) of respondent:

(ii) Office address of the respondent:

(iii) Address for service of all notices:

(iv) Contact Details (Phone number, e-mail, Fax Number etc.):

3. Jurisdiction of the Chairperson:

The appellant declares that the subject matter of the appeal falls within the jurisdiction of the Chairperson.

4. Limitation:

The appellant declares that the appeal is within the limitation specified in sub-rule (9) of Rule 19

or

If the appeal is filed after the expiry of the limitation period specified under sub-rule (9) of Rule 19 specify reasons for delay _____

5. Facts of the case:

(give a concise statement of facts and grounds of appeal against the specific order passed under section(s) _____ or rule(s) _____ or regulation(s) _____).

6. Relief(s) sought:

In view of the facts mentioned in paragraph 5 above, the appellant prays for the following relief(s) _____.

[Specify below the relief(s) sought explaining the grounds of relief(s) and the legal provisions (if any) relied upon]

7. Interim order, if prayed for:

Pending final decision on the appeal the appellant seeks issue of the following interim order:

- [Give here the nature of the interim order prayed for with reasons]
8. Matter not pending with any other court, etc.:
The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other tribunal(s).
9. Particulars of [demand draft/ bankers cheque or online payment] in respect of the fee in terms of Regulation 11:
(i) Amount:
(ii) Name of the bank on which drawn:
(iii) [Demand draft number/ bankers cheque/ online payment transaction no.]:
10. List of enclosures:
(i) An attested true copy of the order against which the appeal is filed.
(ii) Copies of the documents relied upon by the appellant and referred to in the appeal.
(iii) An index of the documents.
(iv) Other documents as annexed along with the complaint.

Signature of the appellant(s)

Verification

I _____ (name in full block letters) [son / daughter] of _____ the appellant do hereby verify that the contents of paragraphs [1 to 10] are true to my personal knowledge and belief and that I have not suppressed any material fact(s).

Place:

Date:

Signature of the appellant(s)

Instructions:

- (1) Every appeal shall be filed in English and in case it is in some other Indian language, it shall be accompanied by a copy translated in English and shall be fairly and legibly type-written, lithographed or printed in double spacing on one side of standard petition paper with an inner margin of about four centimeters width on top and with a right margin on 2.5 cm, and left margin of 5 cm, duly paginated, indexed and stitched together in paper book form.
- (2) Every appeal shall be presented along with an empty file size envelope bearing full address of the respondent and where the number of respondents are more than one, then sufficient number of extra empty file size envelopes bearing full address of each respondent shall be furnished by the party preferring the appeal.

[122-1]