

Government of Odisha  
Department of Water Resources

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No. 13585 /WR.,  
WR-MAJII-WRC-0028-2017 (OSWAS)  
Irr.-II-WRC-142/17 (Physical)  
From

Date: 24/7/17

Er. P. K. Satpathy,  
EIC-cum-Special Secretary to Government.

To

The Dy. General Manager (Geo),  
M/s Orissa Mining Corporation Ltd.,  
(A Government of Odisha Undertaking),  
OMC House, Bhubaneswar:-751001.

Sub: Allocation of 329 cum/ day i.e. 0.134 cusecs of water from Chamda Nala in favour of M/s Orissa Mining Corporation Ltd. for their Gandhamardan-A Mines in the District of Keonjhar.

Sir,

I am directed to invite reference to your representation No.-17453 dated 10.10.2011 on the aforementioned subject and say that Government in Water Resources Department have been pleased to allocation of 329 cum day i.e. 0.134 cusecs of water from Chamda Nala in favour of M/s Orissa Mining Corporation Ltd. for their Gandhamardan-A Mines in the District of Keonjhar with the following terms and conditions:-

**Terms and Conditions**

1. M/s OMC Ltd. shall make suitable arrangement to take the water from the Government water source at which it will be supplied. M/s Orissa Mining Corporation 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 Orissa Mining Corporation 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 amount 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 Orissa Mining Corporation 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 Orissa Mining Corporation 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 Orissa Mining Corporation 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 Orissa Mining Corporation Ltd. from liability to payment of water charges lawfully assessable at the rate as may be prescribed by Govt. from time to time.
4. M/s Orissa Mining Corporation 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 Orissa Mining Corporation 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 Orissa Mining Corporation 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 Orissa Mining Corporation 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 Orissa Mining Corporation 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 Orissa Mining Corporation 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.

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7. M/s Orissa Mining Corporation 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 Orissa Mining Corporation 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.
9. M/s Orissa Mining Corporation 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 the company at its own cost under the supervision of the Water Resources Department and the Collector of the District.
12. M/s Orissa Mining Corporation 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 in their own land for supply of water to their plant during period of 5 (five) months preferably from 1<sup>st</sup> February to 30<sup>th</sup> June. In case of shortage of water supply M/s Orissa Mining Corporation Ltd. will adopt rationalization of water consumption or scale down its production. DOWR

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21. 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.
22. For optimizing the water use, M/s Orissa Mining Corporation Ltd. will have to adopt water harvesting measures in its plant premises. This is for minimizing the dependence on Baitarani river for its water requirement during the lean periods.
23. Allocation of water to the industry is subject to condition of water availability in future which depends upon upstream utilization & irrigation water supply.
24. M/s Orissa Mining Corporation Ltd. shall follow the zero effluent discharge principle and satisfy State Pollution Control Board (SPCB) norms and obtain requisite permissions from the SPCB, Odisha.
25. The industry will be allowed to draw 0.082 cusecs of water from Chamda Nala subject to the condition that the industry should get approval of the intake location and alignment of pipe line from the Chief Construction Engineer, Anandpur Barrage Project, Salapada, Dist.Keonjhar before execution. M/s Orissa Mining Corporation Ltd. will submit the detailed scheme i.e. detail of intake well etc. to the Chief Construction Engineer, Anandpur Barrage Project, Salapada, Dist.Keonjhar and only after approval of the scheme by him they will go ahead with the scheme for drawal of water.
26. Drinking water supply and irrigation water supply to the command area of Baitarani 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 Construction Engineer, Anandpur Barrage Project, Salapada, Dist. Keonjhar is final and binding on M/s Orissa Mining Corporation Ltd.


27. The detailed designs and quality of 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 Orissa Mining Corporation Ltd. shall be held responsible for the safety of the works.
28. M/s Orissa Mining Corporation 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 the public and private properties.
29. M/s Orissa Mining Corporation 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 Orissa Mining Corporation Ltd. is benefited from it.
30. Government shall be at liberty to review the water allocation unilaterally in case of exigencies.
31. If the industry violates any one of the above conditions it may lead to immediate cancellation of allocation.
32. In case of any dispute/ interpretation required, the decision of the Government in Water Resources Department shall be final.
33. In no circumstances, the Industries shall be allowed to draw ground water for operation purpose.

Yours faithfully,

  
EIC-cum-Special Secretary to Government

Memo No. 195762 /WR Dtd. 24/2/12-1

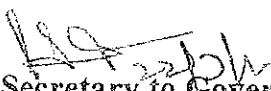
Copy forwarded to the EIC, WR/ CE, Water Services/ CE & BM, UMB, Burla/ CCE, Anandapur Barrage Project, Salapada for information and necessary action.

  
EIC-cum-Special Secretary to Government

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Memo No. 12575 /WR Dtd. 24/2/10

Copy forwarded to the Collector & DM, Keonjhar for information and necessary action.

  
EIC-cum-Special Secretary to Government

Memo No. 12576 /WR Dtd. 24/2/10

Copy forwarded to the Steel & Mines Department/ CMD, IPICOL, Bhubaneswar/ CMD, IDCO, Bhubaneswar for information and necessary action.

  
EIC-cum-Special Secretary to Government