

File no: CGWA-21/6/2020-CGWA-111

Government of India

Ministry of Jal Shakti

Central Ground Water Authority

Date: 12.03.2024

Office Memorandum

Subject: Issues relating to relaxation of charges etc on Ground Water Abstraction.


The matter relating to imposing Environmental Compensation (EC) charges as per the provisions of Guidelines dated 24.09.2020 on existing projects applying late for NOC, including those applying late for renewal of existing NOC was under consideration of the Central Ground Water Authority (CGWA). In this connection, it is observed that imposition of hefty EC is becoming a discouraging factor for several Project Proponents for applying for NOC, especially those falling under MSME category who have smaller investment and limited working capital. Further, the projects, which, although had obtained NOC from CGWA earlier, but did not apply for renewal in time, are also being imposed EC. Such projects are also hesitant in coming forward for renewal of their NOC. Therefore, it is felt that relaxation of EC for a specific period may help in bringing maximum projects into ambit of ground water regulation regime. Further, as per the feedback received from commerce and industries, there are some other provisions of the Guidelines, which require re-examination and relaxation, such as imposition of EC on saline groundwater extraction without proper NOC and collection of heavy charges for change in Log-in ID.

2. The matter has been examined. In order to ensure balance between Ease of Doing Business initiative of Government of India as well as environmental concerns due to over-exploitation of groundwater, it is felt appropriate to provide some relief to the commercial and industrial establishments of certain category abstracting ground water, so as to encourage more and more projects to come forward for obtaining NOC from CGWA and thus become a part of ground water regulation regime. Further, it is imperative that such relief is offered only for a limited period so as to have seamless implementation of guidelines for groundwater extraction.

3. In view of the above, it has been decided with the approval of the Competent Authority to issue instructions on the following:

- A. Relief in Environmental Compensation for Existing Projects without Proper NOC on Late/ Delayed Submission of Application (Fresh/ Renewal).**
- B. Relief in Environmental Compensation towards Saline Groundwater Extraction.**
- C. Relief in Charges for Change in Log-in Id for Logging in into NOCAP Portal/ Any other Item/ Correction.**

4. The detailed instructions on the aforesaid issues are provided in the Annexure for giving wide-publicity to all stake holders.
5. This will take immediate effect.


 12/03/2024
 (Chairman, CGWA)

To

All Concerned and Stake Holders

Annexure

Issues relating to relaxation of charges etc on Ground Water Abstraction.

I. Definitions

- i. **CCA:** Consolidated Consent and Authorization issued by respective State Pollution Control Board
- ii. **CTO:** Consent to Operate
- iii. **Charges for Change in user ID and any other item/ correction:**As prescribed in Table 16.2 of guidelines dated 24.09.2020
- iv. **Deficiency Memo:** Communication to PP of deficiencies in submitted application (About incomplete documents/ about Advance Charges/ Clarifications etc.)
- v. **Date of Commencement of Project:**The date provided by the Project Proponent in the application on which the project became operational after receiving CTO/ CCA.
- vi. **Environmental Compensation Calculation:** As per rates and deterrent factor prescribed in Tables 15.1 to 15.2 read with CGWA Public Notice No. 10/2022 dated 03.11.2022.
- vii. **Environmental Compensation Imposition:** As per Para 15.0 and Para 11(vii) of guidelines dated 24.09.2020.
- viii. **Existing MSME:**MSME projects (refer definition I(xi)), whose date of commencement (Refer definition I(iv)) is prior to announcement of scheme.
- ix. **KLD:** Kilo Litre per Day
- x. **Log-in ID:** Registered Log-in Id for submission of application/ renewal thereof and tracking of application status.
- xi. **MSME:** Micro, Small and Medium Enterprises as classified vide Ministry of MSME Notification SO 1702(E), dated 01.06.2020

(https://msme.gov.in/sites/default/files/MSME_gazette_of_india.pdf)

All industrial, infrastructure and mining projects having valid UdyamRegistration/ UdyogAdhaar certificate from MSME, verifiable from Udyam Registration website (<https://udyamregistration.gov.in>).

- xii. **NOCAP**: Web portal of CGWA for No Objection Certificate Application & Processing
- xiii. **PP**: Project Proponent, i.e Applicant
- xiv. **Saline Groundwater**: As defined in CGWA guidelines for Saline Groundwater Extraction uploaded on NOCAP Portal. These guidelines can be accessed through the link [Saline guidelines_approved.pdf \(cgwa-noc.gov.in\)](#)

II. Implementation Committee

- An **Implementation Committee (IC)** shall be constituted at CGWA, New Delhi under the chairmanship of Member (CGWA), which will be responsible for overall implementation of these instructions, including proper maintenance of portal and grievance redressal.

Part A. Relief in Environmental Compensation for Existing Projects without Proper NOC on Late/ Delayed Submission of Application (Fresh/ Renewal)

- i. Existing MSMEs extracting groundwater up to 100 KLD (excluding the projects of Packaged Drinking Water/ Packaged Natural Mineral Water/ Mineral Water and Aerated/ Carbonated/ Alcoholic Beverages) will be eligible for availing benefits of the scheme.
- ii. The scheme will also cover MSME projects extracting groundwater up to 100 KLD (excluding those as mentioned above) whose application was rejected earlier for any reason(s).
- iii. Both fresh, as well as renewal applications from the beneficiary category as defined at (i) above, shall be covered under the scheme.
- iv. The scheme is applicable only to the projects existing prior to announcement of scheme. Projects commencing after the announcement of scheme, but applying late for NOC shall not be covered under this scheme.
- v. Date of commencement as given in the NOC application shall be considered for deciding existence of project prior to date of announcement of scheme, subject to the date given is in conformity with other documents, including CTO/CCA.
- vi. The scheme will remain in force **for a period of one year** from the date of announcement and relaxation from EC will be provided in 4 slabs based on how early the NOC application is filed after the announcement of the Scheme. During this period, the PPs interested in availing the benefit of the Scheme, shall file their application for NOC on the NOCAP portal of CGWA providing all necessary documents and details as required in regular course. Details of relief from EC to be provided under the Scheme are provided in the following paras.
 - a. **80% relief** in Environmental Compensation (**EC**) shall be given to applications submitted within 3 months (falling within 1st trimester) from the date of announcement scheme. For example, if Project Proponent applies within 3 months from date of announcement of scheme and normal EC is calculated as Rs 1 Lakh as per the provisions of the Guidelines dated 24.09.2020, the PP shall be eligible for relief to the tune of 80% in EC and the amount of EC to be paid will be Rs 20,000/- only.

- b. **60% relief** in EC shall be given to applications submitted after 3 months but within 6 months (falling within 2nd trimester) from the date of announcement scheme.
 - c. **40% relief** in EC shall be given to applications submitted after 6 months but within 9 months (falling within 3rd trimester) from the date of announcement scheme.
 - d. **20% relief** in EC shall be given to applications submitted after 9 months but within 12 months (falling within 4th trimester) from the date of announcement scheme.
- vii. Start-date and end-date of each trimester shall be completion of month as per date of announcement of scheme. For example, if the date of announcement of scheme 15.03.2024, end-date for trimesters shall be 14.06.2024, 14.09.2024, 14.12.2024 and 14.03.2025 respectively.
 - viii. The scheme shall be closed after one year and no relief shall be extended thereafter.
 - ix. Applications of eligible beneficiary category, i.e. existing MSMEs extracting groundwater up to 100 KLD, pending with CGWA at the time of announcement of scheme and where EC is applicable, shall also be eligible for relief of 80% in EC.
 - x. If the PP fails to pay the amount within 30 days of approval of NOC and/or communication of charges, then it will forfeit the benefit of relief/ it will not be eligible to avail the benefit of relief.
 - xi. Benefit of scheme shall not be available to those projects which have case(s) of illegal extraction of ground water pending against them before any Court/ Tribunal/ Authority.

Part B. Relief in Environmental Compensation towards Saline Groundwater Extraction.

- i. Implementation of Public Notice dated 21.06.2023 regarding EC on saline groundwater extraction without valid NOC shall be kept suspended for **one year** with effect from the date of announcement of this scheme. That is, no EC will be levied on applications for saline water extraction submitted during one year with effect from the date of announcement of this scheme.
- ii. Benefit of relief shall be extended to all existing projects extracting saline groundwater.
- iii. Existing applications shall also get benefit of the scheme.

Part C. Relief in Charges for Change in Log-in Id for Logging in into NOCAP Portal/ Any other Item/ Correction

- i. Rs 1000/- will be charged for change in Log-in Id for one year from the date of announcement of this scheme.
- ii. Rs 500/- will be charged for any other item/ correction for one year from the date of announcement of this scheme.
- iii. This relief is being extended across all categories.

III. Miscellaneous Provisions

- i. Necessary documents are to be submitted at the time of submission of application. List of documents to avail benefit of Part-A and Part-B is provided below. PPs are advised to go through the list of documents carefully before applying. If any deficiency is found in the application, a Deficiency Memo will be issued to PP. If the PP fails to cure the deficiencies mentioned in Deficiency Memo issued to him within 30 days from the date of issuance of such Memo, his application shall be summarily rejected without providing any benefit of the scheme.
- ii. The quantum of groundwater extraction on which basis benefit is availed under Part-A of scheme, shall not be increased later without valid reason.
- iii. If at any stage, it is found that the PP has provided false information as regard to MSME status and/or quantum of extraction or quality report for availing benefit of scheme under Part-A and Part-B, the PP shall be liable to penal provisions under extant rules along with recovery of full Environmental Compensation till the date borewell(s) are sealed after such information comes to the notice of CGWA/ any Authorized Officer.
- iv. In case the PP encounters technical glitches in NOCAP Portal during advance payment/ submission of application, resulting in application submission moving into the next trimester, it can register grievance with CGWA, submitting the screenshots of such technical glitch. The screenshot should be clear and legible, showing entire web page including the date of error, as well as address bar. The Implementation Committee will scrutinize the issue and decide the case as per merit. Decision of IC, which shall be made only after providing an opportunity to be heard to the PP, shall be final and binding on PP. The decisions of IC shall be in the form of speaking orders.
- v. The procedure mentioned at IV(iv) above shall be applicable *mutatis mutandis* for the cases where the PP makes genuine attempts to pay the EC charges (to be paid within 30 days from the date of communication of such charges to him by CGWA) but fails to do so due to technical glitches in the portal.
- vi. The PP can register other grievance(s) too, if any, with CGWA. The grievance shall be referred to the IC for resolution and redressal. Decision of IC shall be final and binding on PP.

Documents required for availing Benefit of Part-A of the Scheme

A. Fresh Applications

- i. CTO/ CCA
- ii. MSME Certificate
- iii. Non-Availability of Water (**NAW**) Certificate or NAW Affidavit on Rs 50/- Non-judicial Stamp Paper
- iv. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper

B. Renewal Applications

- i. MSME Certificate

- ii. Self-compliance report to be uploaded on NOCAP (**in case of difficulty in uploading** on NOCAP, **PDF** version may be attached as Additional Document with the application)
- iii. Compliance documents with geotagged photographs (telemetry included)
- iv. Self-compliance Affidavit on Rs100/- non-judicial Stamp Paper
- v. Self-inspection report to be uploaded on NOCAP (**in case of difficulty in uploading** on NOCAP, **PDF** version may be attached as Additional Document with the application)
- vi. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper
- vii. Justification for increase in quantum, if any, from the previous NOC (including denial of water supply by other agencies providing water earlier). If the PP has already extracted quantum beyond permitted quantum in previous NOC, justification for same may be provided.

Documents required for availing Benefit of Part-B of the Scheme

A. Fresh Applications

- i. CTO/ CCA
- ii. MSME Certificate
- iii. Non-Availability of Water (**NAW**) Certificate or NAW Affidavit on Rs 50/- Non-judicial Stamp Paper
- iv. Quality Report of Groundwater from borewell(s) in the premises
- v. Undertaking/ Affidavit on Rs50/- non-judicial Stamp Paper to the effect that quality report pertains to groundwater from borewells in the premises of project.
- vi. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper

B. Renewal Applications

- i. MSME Certificate
- ii. Self-compliance report to be uploaded on NOCAP (**in case of difficulty in uploading** on NOCAP, **PDF** version may be attached as Additional Document with the application)
- iii. Compliance documents with geotagged photographs (telemetry included)
- iv. Self-compliance Affidavit on Rs100/- non-judicial Stamp Paper
- v. Self-inspection report to be uploaded on NOCAP (**in case of difficulty in uploading** on NOCAP, **PDF** version may be attached as Additional Document with the application)
- vi. Quality Report of Groundwater from borewell(s) in the premises
- vii. Undertaking/ Affidavit on Rs50/- non-judicial Stamp Paper to the effect that quality report pertains to groundwater from borewells in the premises of project
- viii. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper

- ix. Justification for increase in quantum, if any, from the previous NOC (including denial of water supply by other agencies providing water earlier). If the PP has already extracted quantum beyond permitted quantum in previous NOC, justification for same may be provided.
