

AGREEMENT DATED : TWENTY NINTH, SEPTEMBER, NINETEEN HUNDRED NINETY TWO. STATE OF GUJRAT, UNION TERRITORIES OR DADRA & NAGAR HAVELI AND DAMAN & DIU.

**-: A G R E E M E N T :-**

This agreement made at Madhuban Dam Damanganga Project on the 29<sup>th</sup>. day of September, One thousand Nine hundred Ninety-two between the president of India acting through the Administrator, Union Territory of Dadra and Nagar Haveli (hereinafter called the "Administration of Dadra and Nagar Haveli") of the first part and the president of India acting through the Administrator, Union Territory of Daman and Diu (hereinafter called the "Administration of Daman & Diu") of the second part and the Governor of Gujarat (hereinafter called the "Government of Gujarat") of the third part, parties of the first, Second and third part sometimes thereinafter called the Beneficiaries.

WHEREAS the planning Commission, Government of India has by its letter No.II. 10(I)-(25)-72-A & T, Dt. 23-12-1972 appended hereto as Annexure-I to the Government of Gujarat accepted the execution of Damanganga Reservoir Project, herein after called project and the latest salient features where of are as described in Annexure-II.

AND WHEREAS the planning Commission, Government of India, has allowed the execution of the Project in accordance with the financial provisions approved by the planning commission in State plans.

AND WHEREAS the Administration of Dadra and Nagar Haveli and Daman and Diu and the Government of Gujarat have agreed to execute the Project by the Government of Gujarat and to share the cost and benefits of the same on the terms and conditions appearing hereinafter.

NOW THEREFORE THIS DEED WITNESS and the parties hereto agree as follows:-

1.0 **DAMANGANGA RESERVOIR PROJECT :-**

It is mutually understood that the project envisages construction of a composite dam ( Earth cum Masonry Dam) cross the river Damanganga near village Madhuban in Dharampur taluka of Valsad District, in Gujarat State, with full reservoir level at 79.86 meter ( Seventy nine point Eighty six ) to irrigate 51,138 Hactor through construction of canal and distribution system. The storage of in the reservoir also provide for water supply of 58 MGD. for Industrial & Domestic Use. The project also envisage generation of incidental hydro power in the river bed power house for which purpose 2 units, each of 1000 KW. will be installed for which only Civil works have been proposed to be completed at present.

- 1.1 The benefits of irrigation from the Project shall be the supply of 420.50 Mm<sup>3</sup> of water out of which 332.74 ( Three hundred Thirty-two point Seventy-four) Mm<sup>3</sup> (i.e. 162.93 Mm<sup>3</sup> for Kharif and 169.81 Mm<sup>3</sup> for Rabi) shall be for Gujarat State, 62.16 ( Sixty-two point Sixteen )Mm<sup>3</sup> ( i.e. 30.43 Mm<sup>3</sup> for Kharif and 31.73 Mm<sup>3</sup> for Rabi) for Union Territory of Dadra Nagar Haveli 25.60 (Twenty-five point Sixty) Mm<sup>3</sup> (i.e. 12.54 Mm<sup>3</sup> for Kharif and 13.06 Mm<sup>3</sup> for Rabi) for Union Territory of Daman and Diu.

If one or more of the beneficiaries does not utilise fully, its share of Irrigation water (on the basis of physical area benefited till volumetric measurement come in force as stated hitherto), the surplus water shall be offered to state of Gujarat for sale and the State of Gujarat, on behalf of all beneficiaries, shall arrange to sell such surplus water to the extent possible to the desiring beneficiary/beneficiaries for use on any of the purpose envisaged in the project. The Government of Gujarat shall recover the cost of on the basis of interest on capital for such surplus water and shall be credited to the Account of the party offering the surplus. In case the surplus is offered by one or more than one party and the entire surplus cannot be sold, the cost on the basis of interest on capital shall be credited among the parties in proportion to quantities of surplus water offered by them.

Until the volumetric measurement of water available from the Project is started, the quantum of water as utilised for irrigation shall be decided on the basis of crop pattern and water requirement for each crop as approved by the World Bank for this project ( as per Annexure-III, attached hereto) and the actual area irrigated in case of each of the beneficiaries.

- 1.2 A regulated supply of water at the rate of 0.2399 Mm<sup>3</sup> per day (52.75 (Fifty-two point Seventy-five) million gallons per day) shall be released from the dam into the river for uses other than irrigation. In that, state of Gujarat shall use 0.1818 Mm<sup>3</sup> per day (40 (Forty) million gallons per day) the Union Territory of Dadra and Nagar Haveli shall use 0.058 Mm<sup>3</sup> per day (12.75 (Twelve point Seventy-five) million gallons per day ). In the river each beneficiary shall have to make its water as available in the river, immediately at the down-stream of the dam. For the Union Territory of Daman and Diu, 0.0238 Mm<sup>3</sup> per day (5.25 (Five point Twenty-five) million gallons per day) of water from the dam shall be conveyed through the canal.

- 1.3 The Hydro power in the river bed power house will be generated after the units are installed and commissioned by Gujarat Electricity Board at the instance of State of Gujarat. The beneficiaries will review this item before hydropower generation is entrusted to Gujarat Electricity Board. The revenue realised through G.E.B. for generation of power shall be shared between state of Gujarat, the Union Territory of Dadra and Nagar Haveli and Union Territory of Daman and Diu in the ratio of 91 (Ninety-one) : 17 (Seventeen) : 7 (Seven) respectively.

0.0 CONSTRUCTION OF THE PROJECT :-

The Project including head-work, canal system upto outlet block and hydro Electric plant shall be executed by the Government of Gujarat.

2.1 COST OF THE PROJECT :-

(a). SHARING OF COST:-

Completed cost of Unit J, viz head work and its all works appurtenant thereto shall first be apportioned between irrigation and water supply functions in the ratio of 85 (Eighty-five) : 15 (Fifteen) and thereafter the beneficiary-wise allocations shall be worked out as under:-

Actual cost on completion of Unit-I chargeable to Irrigation shall be distributed in the ratio of 91 (Ninety-one) for Gujarat State, 17 (Seventeen) for Union Territory of Dadra and Nagar Haveli and 7 (Seven) for Union Territory of Daman and Diu.

Actual cost on completion of Unit-I chargeable to water supply shall be shared between the state of Gujarat, the Union Territory of Dadra and Nagar Haveli and the Union Territory of Daman and Diu in the ratio of 40 (Forty): 12.75 (Twelve point Seventy-five) : 5.25 (Five point Twenty-five). Actual cost on completion of Unit-II viz the canal system shall be shared between the beneficiaries in the ratio of 91 (Ninety-one) for the State of Gujarat, 17 (Seventeen) for the Union Territory of Dadra and Nagar Haveli and 7 (Seven) for the Union Territory of Daman and Diu.

Actual cost on completion of Unit-III viz. Hydropower shall be shared between the beneficiaries in the ratio 91 (Ninety-one) : 17 (Seventeen) : 7(Seven) by the State of Gujarat, the Union Territory of Dadra and Nagar Haveli and Union Territory of Daman and Diu respectively.

Proportion of benefits claimable by each of the beneficiaries namely the state of Gujarat, the Union Territory of Dadra and Nagar Haveli and the Union Territory of Daman and Diu shall be in proportion of 91:17:7 respectively for irrigation and Hydro-power and 40:12.75:5.25 respectively for water supply other than Irrigation and Hydropower.

(b). ACQUISITION OF LAND :-

Land required for submergence due to reservoir created by construction of Dam, preliminary works, canals, distribution system, buildings, roads, quarries etc., shall be acquired by the respective state or Union Territory as the case may be and made available to State of Gujarat as may be required .Forest land or any other Government land required in connection with the Project activities of any

kind shall be immediately transferred by the respective state or Union Territories as the case may be. The cost of acquisition of land and rehabilitation of displaced persons shall be debited to the Project. All the participating Government shall permit, subject to their rules regulations etc., as in force from time to time, the quarrying of all types of construction materials such as rubble, lime, sand, gravel, earth etc., that may be required for the purpose of construction of the Project in their territories.

(c). REHABILITATION :-

The persons displaced from the state of Gujarat and Dadra and Nagar Haveli shall be rehabilitated in their respective territories unless otherwise agreed to between the beneficiaries. Land required for rehabilitation of the displaced persons shall be provided by the respective beneficiaries.

Uniform norms shall be adopted by the beneficiaries for rehabilitation of people displaced due to acquisition of land area submerged by Damanganga Reservoir. The cost of rehabilitation shall be debited to the Project.

1.0 OPERATION & MAINTANANCE OF THE PROJECT :-

The dam shall be generated maintained by the State of Gujarat and the cost of operation and maintenance shall be shared by the three beneficiaries in the same ratio as the sharing of capital cost of the project. Similarly operation and maintenance of Civil Works of Hydro-power Project shall be carried out by the State of Gujarat and the cost on that account shall be shared by the three beneficiaries in the same ratio as laid down in respect of the sharing of capital cost of hydro-power Project. The canal system including distribution system up to outlet shall be completed and tested as per the detailed guidelines of the Government of Gujarat (1985) and be maintained and operated by the Government of Gujarat till any or all of the beneficiaries decide to separate out and under-take to do it self/themselves for the area falling within their territories. The cost of operation and maintenance of the canal system including distribution system up to outlet (when maintained entirely by the State of Gujarat) shall be shared by the beneficiaries in the same ratio as laid down in respect of sharing of capital cost of the project. The period during which the work of operation and maintenance of the distribution system falling within the jurisdiction of the beneficiaries remains under the complete charge of the state of Gujarat, the personnel from the Union Territories will be employed on deputation basis by the State of Gujarat with a view that these personal are adequately trained for operation and maintenance works of the distribution system.

After the maintenance and operation of canal system is taken over by the individual beneficiary, the works which actually lie within the jurisdiction of the beneficiary and are wholly meant for him/them shall be handed over by the State of Gujarat to respective beneficiary who shall run and maintain the same

thereafter. The main canal and the branches serving more than one party shall, however be operated and maintained by the State of Gujarat and the cost of operation and maintenance of the shall be shared by the beneficiaries in the same ratio as laid down in respect of sharing of capital cost of the Project.

In case of distributory/Minor/Sub-Minor passing through more than one territory, each of the beneficiaries shall ensure that the portion of such canal passing through its territory is satisfactorily maintained so, as not to adversely affect the derivation of benefits by the other beneficiary.

3.1 The administration of both the Union Territories shall permit and give facilities to the authorised staff of the State of Gujarat to maintain and oversees the dam and works appurtenant thereto including reservoir, canals, canal system,. buildings, roads etc., lying within their territories as may be necessary.

3.2 There shall be a committee constituted by Government of Gujarat comprising of the representative from State of Gujarat, the Union Territory of Dadra and Nagar Haveli and Union Territory of Daman and Diu to lay down guide lines/directives for the to solve the disputes arising out of operation and maintenance of the Project, who shall meet as and when required. Any dispute which cannot be resolved by the Committee, shall be referred to Member (P & P) Central water commission whose decision shall be final and binding on the beneficiaries.

4.0 SHARING BENEFITS IN A LEAN YEAR :-

In a lean year the availability of water is less, 100% (hundred percent) reservation for drinking and Industrial use shall be made and on the balance water available, the benefits of Irrigation and hydro-electric power shall be reduced on corresponding prorata basis for each beneficiary unless otherwise mutually agreed by the parties in writing.

5.0 PROVISION OF FUNDS:-

Each of the three beneficiaries shall provide adequate funds in the ratio of sharing of capital cost of the project to ensure that the work of construction of the project is completed within the stipulated period. The funds shall also be provided by each of the three beneficiaries for operation and maintenance of dam and canal system from year to year in accordance with the requirement of Project for operation and maintenance and in the ratio of the shares of the capital cost of the project.

6.0

FISHING RIGHTS :-

The residents of the Union Territory of Dadra and Nagar Haveli and Gujarat who are actually affected by the Damanganga Project Reservoir submergence shall be granted fishing rights. In addition, all these who are traditionally dependent on fishing and who stand affected by the Project shall also be given the fishing rights.

IN WITNESS WHEREOF THE Administrator, Union Territory of Dadra and Nagar Haveli, Silvassa for and on behalf of the president of India and the Administrator, Union Territory of Daman and Diu for and on behalf of the president of India and the Chief Engineer (Damanganga ) and joint Secretary to Government of Gujarat for and on behalf of Governor of Gujarat have hereinto set their respective hands and the seal of their offices on the day and year first above written.

(1). Shri K.S. BAIDWAN.

Sd/-

Seal of Administrator  
Daman &Diu &  
Dadra & Nagar Haveli.

Administrator, Union Territory of Dadra and Nagar Haveli.

For and on behalf of the President of Indian in the presence of:-

WITNESS.

(1). Sd/-

(J.N. NANDA)

Dy. Advisor, Planning Commission. New Delhi.

WITNESS.

(2). Sd/-

(J.G. RANA)

Superintending Engineer,  
P.W.D. Daman.

(2). Shri K.S. BAIDWAN.

Sd/-

Seal of Administrator  
Daman &Diu &  
Dadra & Nagar Haveli.

Administrator, Union Territory of Daman & Diu.

WITNESS.

(1). Sd/-

( S.G. HIRENATH)

Executive Engineer, P.W.D. Daman.

WITNESS.

(2). Sd/-

( P.R. CHOPRA )

Deputy Director,  
Central Water Commission,  
New Delhi.

(3). Shri G.D. Patel.

Sd/-

Seal of  
Narmada & Water  
Resources Department,  
Govt., of Gujarat,  
Sachivalay,  
GANDHINAGAR.

Chief Engineer (Damanganga) & Joint Secretary. Government of Gujarat.  
For and on behalf of the Governor of State of Gujarat in the Presence of :-

WITNESS.

(1). Sd/-  
( R.T. DALAL )  
Area Development Commissioner,  
Surat.

WITNESS.

(2). Sd/-  
( S.J. DESAI )  
Superintending Engineer,  
Damanganga Project Circle,  
Valsad.

**ANNEXURE-III.**

**DAMANGANGA RESERVOIR PROJECT.**

Statement showing cropping pattern (percentage of CCA) planting dates and growing season.

(Finalised in consultation with World Bank experts and Agreement PPM Cell).

JUNE-JULY-1879.

CCA. 51138 Ha.

Sr. No.	Cropping pattern.	Percentage %	Area (Ha).	Period of first Planting (FN).	Growing season (FN).
1.	2.	3.	4.	5.	6.
<b>I. <u>KHARIF</u></b>					
1.	Paddy-1.	15%	7671	13 – 19	7
2.	Paddy-2.	35%	17898	12 – 20	8
			25569		
<b>II. <u>TWO SEASONAL :-</u></b>					
3.	Vegetable-2.	3%	1534	13 - 4	16
<b>III. <u>PERENNIALS :-</u></b>					
4.	Sugar Cane.	5%	2557	22 – 21	24
5.	Orchards.	10%	5114	13 – 12	24
<b>TOTAL FOR KHARIF.</b>		68%	34774		
<b>IV. <u>RABI :-</u></b>					
6.	Wheat.	10	5114	21 - 4	8
7.	Rape Mustard.	3	1534	22 – 4	7
8.	Pulses.	12	6136	21 - 4	8
9.	Sorghum.	3	1534	19 - 1	7
10.	Lucerne.	2	1023	19 - 8	14
11.	Vegetable-1.	3	1534	19	8
<b>TOTAL FOR RABI.</b>		33%	16875	-	-
<b>TOTAL INTENSITY.</b>		101%	51649		



<b>V.</b>	<b>D A M :-</b>			
	(a).	Type.	:	Composite.
	(b).	Length.	:	2870 m. (9414 ft.).
	(c).	Max. height from deepest foundation level masonry dam.	:	49.84 m. (163.48 ft.).
		Earthen Dam.	:	58.60 m. (192.20 ft.).
<b>VI.</b>	<b>FLOOD DISPOSAL :-</b>			
	(a).	Type..	:	Gated spillway.
	(b).	Location.	:	Main Gorge.
	(c).	Length of Spillway.	:	191.11 m. (626.8 ft.).
	(d).	Max. head over crest.	:	16.57 m. (54.35 ft.).
	(e).	Shape of Crest.	:	Ogee.
	(f).	No. size and type of gates.	:	10 Radial gates, each of size: 15.55 m. x 14.02 m. (51' x 46').
<b>VII</b>	<b>C A N A L S :-</b>			
	(a).	Capacity.	:	34.76 Cumecs (1227 Cusecs).
	(b).	Type.	:	Lined.
<b>VIII.</b>	<b>B E N E F I T S :-</b>			
	<b>(A).</b>	<b>IRRIGATION :-</b>		
	(a).	Irrigation.		
		(a). Culturable Command area (CCA).	:	Gujarat. 41,023 1,01,327
				Dadra & Nagar Haveli. 7044 17,399
				Daman. 3,071 7,585
				TOTAL:- 51,138 1,26,311
		(b). Intensity of Irrigation.	:	101 % of CCA. i.e. 51,649 Ha. (1,27,573 Acres).
	<b>(B).</b>	<b>WATER SUPPLY:-</b>		
			:	Gujarat. 40 Mgd.
				Dadra & Nagar Haveli. 12.75 Mgd.
				Daman. 5.25 Mgd.
				TOTAL:- 58.00 Mgd.
	<b>(C).</b>	<b>POWER :-</b>		
			:	2.00 MW (to be shared by the three beneficiaries).
<b>IX.</b>	<b>SUBMERGENCE DETAILS:-</b>			
	(a).	Submergence at FRL.	:	4368 Ha. (10,789 Acres).
	(b).	Villages coming under submergence.	:	12 fully and 24 partly.
	(c).	Families affected.	:	2361 Nos.