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## LAHORE DEVELOPMENT AUTHORITY, LAHORE WATER AND SANITATION AGENCY (LDA)

No. MD/27-30 dated: 15-1-19 The Lahore Development Authority, in exercise of its power under section 29 (2) and (3) of the Lahore Development Authority Act, 1975 (Act No. XXX of 1975) read with rule 6 of the Lahore Development Authority (Miscellaneous) Rules, 2014, in supersession of previous notification no. DDR(S)/1879 dated 16-06-1991, is pleased to impose a restriction on the installation of new tube-wells in the notified area as has been or as may from time to time be declared by Lahore Development Authority for the purpose of aforesaid Act to regularize / register all existing tube-wells.

### NOTIFICATION

1. **DECLARATION OF CONTROLLED AREA**
  - a. In view of the excessive and unregulated extraction of groundwater and the depletion of the aquifer, the entire geographical area demarcated as the Lahore Division to the extent of Levy of Aquifer rate on Water Bottling and Beverage Factories whereas Aquifer charges for rest of users will be restricted upto Lahore District.
  - b. Without prejudice to section 10(3) and (4) of the LDA Act, the Managing-Director, WASA or any person authorized by him/her shall be deemed to be the competent authority for all matters arising under, or in connection with, this notification.
2. **INSTALLATION OF NEW TUBE-WELLS**
  - a. No person shall install any tube-well within the geographical limits of the Controlled Area without the prior approval of the competent authority.
  - b. Any person who intends to install any tube-well within the geographical limits of the Controlled Area shall submit an application in the prescribed form to the competent authority and obtain a license before undertaking any such activity. The application for obtaining the license shall include the following information:
    - i. purpose and use for which the water is to be extracted;
    - ii. number of tube-well(s) to be installed;
    - iii. capacity of tube-well(s) to be installed;
    - iv. design of tube-well(s) to be installed;
    - v. specific location where tube-well(s) are to be installed;
    - vi. projection of amount of water to be extracted per annum; &
    - vii. other information that the competent authority may require from time to time.
  - c. In addition to the foregoing, an application for issuance of license under this notification shall be accompanied by an installation fee of PKR 10,000 per cusec.
  - d. In making any decision on the application for installation of new tube-wells, the competent authority shall be guided by principles of conservation, safe-yield and sustainability of aquifer with a view to safeguard the public interest.
  - e. Any license issued under this notification will be subject to such terms and conditions as the competent authority may deem fit in view of the principles outlined above. Where

the public interest so desires, the competent authority may condition the issuance of the license on the installation of a meter, at the cost of the applicant.

- f. Any license issued by the competent authority to any person under this notification shall be valid for a period of 5 years.
- g. No licensee shall replace any existing tube-well(s) without first notifying the competent authority and giving it an opportunity to inspect the same.
- h. Where a licensee acts in contravention of the terms and conditions of the license, the competent authority shall issue a notice asking the licensee to show-cause as to why the tube-well(s) may not be closed or sealed in accordance with section 29(2) of the LDA Act. If the licensee continues to contravene the terms and conditions of the license or does not furnish an adequate response to the show-cause notice to the satisfaction of the competent authority, it may pass an order for the closure and sealing of the tube-well(s).
- i. Any person who fails to obtain prior approval as required under this notification shall be deemed to have committed an offence as per Item 5, Part-B of the the Second Schedule to the LDA Act and shall be liable for prosecution under section 35 of the LDA Act.


### 3. RENEWAL OF LICENSES

- a. A licensee who has been issued a license under this Notification by the competent authority shall apply for a renewal thereof with the same authority at least 3 months before the expiry of the license. The application for renewal shall be made in the prescribed format and shall be accompanied by a renewal fee of PKR 10,000 per cusec.
- b. Upon the submission of the application of renewal, the competent authority or any person, officer, employee of WASA as may be authorized under section 10 of the LDA Act shall be empowered to inspect, check and monitor the tube-well(s) and any pumping equipment(s) installed on-site in order to verify the veracity and authenticity of the information provided by the applicant and to form an opinion about the effect of such extraction on the aquifer keeping in mind principles of conservation, safe-yield and sustainability of aquifer
- c. Where the competent authority forms an opinion that the renewal of the license will not be in the public interest, it will provide a notice to the applicant and give an opportunity of hearing before making a decision on the renewal application.
- d. Where the competent authority is so satisfied, it may renew the license of the applicant for another period of 5 years.
- e. Where a license is not renewed by the competent authority, the person shall immediately cease and abstain from extracting any further groundwater from the aquifer within the geographical limits of the Controlled Area. Any person who does not comply with the requirements of this section shall be deemed to have committed an offence as per Item 5, Part-B of the Second Schedule to the LDA Act and shall be liable for prosecution under section 35 of the LDA Act.

### 4. EXISTING TUBE-WELLS IN THE CONTROLLED AREA

- a. Any person who owns, operates and/or controls any tube-well(s) in the Controlled Area on the date of publication of this notification shall within 3 months of such date, apply to the competent authority for the issuance of a license under this notification.
- b. The provisions of section 2 of this notification shall apply *mutatis mutandis* to an application made under this section, except that in addition to the factors listed in sub-section (b) of section 2, the competent authority shall also have regard to the legitimate-investment backed expectation of the applicant in installing a tube-well(s) within the Controlled Area.

For and On Behalf of  
Lahore Development Authority

  
MANAGING DIRECTOR  
WASA, LDA, Lahore.