ITEM NO.48 COURT NO.6 SECTION XVII-A

## SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

## Original Suit (s). No. 1/2018

STATE OF TAMIL NADU

Petitioner(s)

## **VERSUS**

STATE OF KARNATAKA & ANR.

Respondent(s)

(IA No. 52666/2019 - APPLICATION FOR PERMISSION IA No. 193417/2019 - CLARIFICATION/DIRECTION

IA No. 95609/2018 - STAY APPLICATION)

Date: 23-01-2024 These matters were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. G. Umapathy, Sr. Adv.

Mr. V. Krishnamurthy, Sr. A.A.G.

Mr. P. Wilson, Sr. Adv.

Mr. N. R. Elango, Sr. Adv.

Mr. D.kumanan, AOR

For Respondent(s) Mr. Mohan V. Katarki, Sr. Adv.

Mr. V. N. Raghupathy, AOR

Mr. Mayank Jain, Adv.

Ms. Aishwarya Bhati, ASG

Mr. S. Wasim Qadri, Sr. Adv.

Mr. Pratyush Shrivastava, Adv.

Mr. S.S. Rebello, Adv.

Mr. Vatsal Joshi, Adv.

Mr. Sachin Sharma, Adv.

Mr. Rustam Singh Chauhan, Adv.

Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel, the Court made the following O R D E R

Heard Mr. G. Umapathy, learned Senior Advocate appearing on behalf of the petitioner – State of Tamil Nadu. Also heard Mr. Mohan V. Katarki, learned Senior Advocate for respondent no.1 - State of Karnataka. Ms. Aishwarya Bhati, learned Additional Solicitor General and Mr. S. Wasim Qadri learned Senior Advocate are representing respondent no.2 – Union of India.

- 2. The present case was listed on 03.10.2023 and it was noticed that the Suit has been filed by the State of Tamil Nadu under Article 131 of the Constitution of India against the State of Karnataka and the Union of India (respondent no.2). The inter-state dispute pertains to the sharing of water of the Penniyar river and also the alleged check dam/diversion raised by the State of Karnataka in the said river.
- 3. At an earlier stage in the suit, it was suggested that as the negotiation has not resulted in any solution, the central government may constitute a Tribunal to resolve the inter-state water disputes.
- 4. Today, Ms. Aishwarya Bhati, learned Additional Solicitor General submits that under the Office Memorandum No. 23/1/2019-BM dated 20.1.2020 issued by the Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, Government of India, a Negotiation Committee was constituted, to address the dispute on sharing of Penniyar river water and its tributaries. It is, however, pointed out that the Negotiation Committee met only on two occasions and, thereafter, has practically become defunct.

- 5. The Interstate River Water Disputes Act, 1956 (for short "ISRWD Act, 1956") envisages the constitution of Tribunal under Section 4(1). However, Tribunal is to be constituted only after the central government is of the opinion that the water dispute cannot be settled by negotiations. One year time limit is also specified for completion of the negotiation process.
- 6. In the recent affidavit filed by respondent no. 2 Union of India on 10.10.2023, the following averment is made :-

"XXX XXX XXX

- 5. That in the meanwhile, a request has been received from Deputy Chief Minister, Karnataka and the Chief Minister, Karnataka to begin fresh negotiations to settle the Penniyar water disputes by stating the fact that the new government of Karnataka, which has been elected by people of Karnataka in the month of May 2023, had no opportunity of negotiating with the State of Tamil Nadu in finding the solution by Negotiation."
- 7. A fresh request is made on behalf of the newly elected government of Karnataka. As is informed the Committee constituted on 20.01.2020, failed to make any serious endevour for resolution of the water dispute between the two States.
- 8. In these circumstances, we deem it appropriate to direct the Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti, Government of India to constitute a fresh Negotiation Committee, as envisaged under

Section 4(1) of the ISRWD Act, 1956. The notification constituting the Committee will be issued within two weeks.

9. The Committee will make earnest endevour to reach a negotiated settlement of the inter-state water dispute over Penniyar river. A report on the consideration and the outcome of the exercise be given by respondent no. 2 - Union of India, within a period of three months of the constitution of the Committed. The matter be listed thereafter.

(BABITA PANDEY)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR