

ITEM NO.102

COURT NO.2

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Original Suit (s). No(s). 6/1996

THE STATE OF HARYANA DEPARTMENT OF  
IRRIGATION THE SECRETARY

Petitioner(s)

VERSUS

THE STATE OF PUNJAB &amp; ANR.

Respondent(s)

([ TO GO BEFORE THREE HON'BLE JUDGES ]

IA No. 196825/2022 - APPEAL AGAINST REGISTRAR'S ORDER REFUSING TO  
ENTERTAIN APPLICATION FOR CLARIFICATION OF ORDER DATED 30.11.2016  
PASSED IN IA NO. 6/2016))

IA No. 87466/2020 - APPLICATION FOR PERMISSION

IA No. 145682/2019 - INTERVENTION APPLICATION)

WITH

W.P.(C) No. 455/2005 (PIL-W)

CONMT.PET.(C) No. 511/2004 In ORGNL.SUIT No. 6/1996 (XVII-A)

Date : 23-03-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Lokesh Kr. Singhal, Adv.  
Mr. Aditya Sharma, AOR

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.  
Mr. Vinod Ghai, Adv. Gen.  
Mr. Mohan V katarki, Sr. Adv.  
Mr. Jagjit Singh Chhabra, AOR  
Mr. Vinay K Shailendra, Adv.  
Mr. Ajay Pal, Adv.  
Ms. Kanika Ahuja, Adv.  
Ms. Kirti Ahuja, Adv.  
Mr. Saksham Maheshwari, Adv.

Mr. R Venkataramani, Attorney General for India  
Mrs. Aishwarya Bhati, A.S.G.  
Mr. Wasim Quadri, Sr. Adv.

Mr. Anandh Venkataramani, Adv.  
Mr. Chitvan Singhal, Adv.  
Mr. Abhishek Kumar Pandey, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Ankur Talwar, Adv.  
Mrs. Swati Ghildiyal, Adv.  
Mr. Ashok Panigrahi, Adv.  
Mrs. Vijayalakshmi Venkataramani, Adv.  
Mr. Vinayak Mehrotra, Adv.  
Ms. Mansi Sood, Adv.  
Ms. Sonali Jain, Adv.  
Mr. Raman Yadav, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Manish Singhvi, Sr. Adv.  
Mr. D. K. Devesh, AOR  
Mr. Arpit Parkash, Adv.  
Mr. Vikalp Sharma, Adv.  
Mr. Harsh Singh Rawat, Adv.  
Mr. Suprabh Kumar Roshan, Adv.  
Ms. Snehal U. Kanzarkar, Adv.  
Ms. Ginit Pal Kaur Bal, Adv.

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

Learned Attorney General states that the matter appears to be not really moving further despite the best endeavour of the Union of India. Learned counsel for Haryana disputes the position about possibilities of any settlement unless the State of Punjab moves from its stated position.

He further flags the issue that the reliance by the Punjab State on the Punjab Termination of Agreement Act (PTAA), 2004, stating that it is still in force is not sustainable in law as the reference was made which has been answered against the State of Punjab by this Court.

We only once again emphasize that any settlement requires parties to move from their stated position and there has to be a give and take. We are also clear in our view that whatever else may be the defence of the State of Punjab, no reliance is permissible on the aforesaid Act once the reference is answered against it.

We, however, record the submissions of the learned counsel for State of Punjab that this is an advisory opinion.

We expect the endeavours of the States to sit together to still find a solution is the way forward and we call upon the States to hold meetings, not frequently at the highest political dispensation level so that at least there is some progress in the discussions. We expect the Union of India also to play a proactive role in the endeavour to bridge the gap.

List on 04.10.2023.

IA NO. 196825/2022

Let the affidavit be filed by the State of Punjab within two months.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)