''ITEM NO.52 COURT NO.4 SECTION XIV

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

RECORD OF PROCEEDINGS

I.A. NO.10/2016 IN Civil Appeal No(s). 2456/2007

STATE OF T.NADU Appellant(s)

VERSUS

STATE OF KARNATAKA & ORS. Respondent(s)

(with appln. (s) for directions and office report)

Date : 02/09/2016 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Shekhar Naphade, Sr. Adv.
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. subramonium Prasad, Sr. Adv.
Mr. G. Umapathy, Adv.
Mr. C. Paramasivam, Adv.
Mr. B. Balaji, AOR

For Respondent(s) Mr. F.S. Nariman, Sr. Adv.
Mr. Anil B. divan, Sr. Adv.
Mr. S.S. Javali, Sr. Adv.
Mr. M.R. Naik, Advocat General,
Mr. Mohan V. Katarki, Adv.
r. S.C. Sharma, Adv.
Mr. R.S. Ravi, Adv.
Mr. V. N. Raghupathy, AOR
Mr. J.M. Gangadhar, Adv.
Mr. Ranvir Singh, Adv.
Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. Manu Srinath, Adv.
Mr. A.S. Nambiar, Sr. Adv.
Mr. V. G. Pragasam, AOR
Mr. Prabu Ramasubramanian, Adv.
Mr. P.K. Manhoar, Adv.
Mr. Shanta Vasudhuan, Adv.
Mr. Ramesh Babu M. R., AOR

2

Mr. A.S. Bhasme, Adv.
Mr. Pankaj Kumar Mishra, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. S.S. Rawat, Adv.
Mr. Ajay Kumar Singh, Adv.
Mr. D.S. Mahra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. shekhar Naphade, Mr. Rakesh Dwivedi and Mr. Subramonium Prasad, learned senior counsel for the State of Tamil Nadu, Mr. Naimbar, learned senior counsel for the Union Territory of Puduchery and Mr. F.S. Nariman, Mr. Anil B. Divan and Mr. S.S. Javali, learned senior counsel for the State of Karnataka.

Mr. Naphade, learned senior counsel, has filed a chart indicating the flow released at Billigundulu during 2016-2017. The said chart reads as under :

â¬ S Flow realized at Billigundulu during 2016-2017

In TMC ft.

Month	Due As per Final Order of CWDT	Realised	Deficit
(1)	(2)	(3)	(4)
June, 2016	10.00	2.853	7.147
July, 2016	34.00	15.519	18.481
August, 2016	50.00	14.623	35.377
Total	94.00 TMC	33 TMC	61 TMCâ¬ \235

He has drawn our attention to clauses VII and IX of the award. They read as under :

â¬ S Clause VII

3
In case the yield of Cauvery basin is less in a distress year, the allocated shares shall be proportionately reduced among the States of Kerala, Karnataka, Tamil Nadu and Union Territory of Pondicherry.
xxx xxx xxx
Clause IX
A. since the major shareholders in the Cauvery waters are the States of Karnataka and Tamil Nadu, we order the tentative monthly deliveries during a normal year to be made available by the State of Karnataka at the Inter-State contact point presently identified as billigundulu gauge and discharge station located on the common border as under:

Month	TMC	Month	TMC
June	10	December	8
July	34	January	3
August	50	February	2.5
September	40	March	2.5
October	22	April	2.5
November	15	May	2.5

192 TMC â¬ \235
B. The above quantum of 192TMC of water comprises of 18.2 TMC from the allocated share of Tamil Nadu and 10 TMC of water allocated for environmental purposes.
C. The above monthly releases shall be broken in 10 daily intervals by the Regulatory Authority.
D. The Authority shall properly monitor the working of monthly schedule wit the help of the concerned States and Central Water Commission for a period of five years and if any modification/adjustment is needed in the schedule threreafter, it may be worked out in consultation with the party States and help of Central Water Commission for future adoption without changing the annual allocation amongst the parties.â¬ \235

4
Mr. F.S. Nariman, learned senior counsel for the State of Karnataka, has drawn our attention to the chart at page nos. 214-215 of the counter affidavit to the IA. The said counter affidavit is taken on record.
In course of hearing, certain suggestions were given to learned counsel for the parties; what is the formula prescribed by the Tribunal in the award; quantum of deficit of water and how the court shall address the issue, regard being had to the grievances of the inhabitants of both the States.
Let the matter be listed on 5.9.2016.
The petitioner is at liberty to file additional affidavit.
(Gulshan Kumar Arora) (H.S. Parasher)
Court Master Court Master