

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. 1 in ORIGINAL SUIT NO. 3/2002

STATE OF TAMIL NADU

Petitioner (s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent (s)

(for ad-interim directions and office report) (for further directions)

Date : 03/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Plaintiff (s)

State of Tamil Nadu

Mr. K.K. Venugopal, Sr. Adv.  
Mr. A.K. Ganguli, Sr. Adv.  
Mr. R. Muthu Kumarasamy, Addl. Adv. Genl.  
Mr. Vadivel, Sr. Adv.  
Mr. G. Umapathy, Adv.  
Mr. C. Paramasivam, Adv.  
Ms. Revathy Raghavan, Adv.

For Defendant (s)

State of Karnataka

Mr. F S Nariman, Sr. Adv.  
Mr. S.S. Javali, Sr. Adv.  
Mr. A N Jayaram, Adv. Genl., Karnataka.  
Mr. Mohan Katarki, Adv.  
Mr. Shambhu Prasad Singh, Adv.  
Mr. Subhash C Sharma, Adv.  
Mr. Sanjay R. Hegde, Adv.  
Mr. Satya Mitra, Adv.

UoI

Mr. Harish N. Salve, SG  
Mr. S. Wasim A. Qadri, Adv.  
Mr. S.N. Terdol, Adv.

State of Kerala

Mr. K.R. Sasiprabhu, Adv.  
Mr. John Mathew, Adv.

Govt. of Pondicherry

Mr. P K Manohar, Adv.  
Mr. V.G. Pragasaam, Adv.

UPON hearing counsel the Court made the following

O R D E R

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I.A. is disposed of in terms of the signed order.

(D.P. WALIA)

(S.L. GOYAL)@@

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(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

I.A. NO. 1@@  
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IN@@  
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ORIGINAL SUIT NO. 3 OF 2002@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

State of Tamil Nadu ..... Plaintiff

Versus

State of Karnataka & Ors. .... Defendants

O R D E R@@  
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Pursuant to this Court's order dated 29th July, 2002, we are informed that the matter is being looked into by the Cauvery River Authority (for short "the Authority"). As per the documents placed on record, the concluding remarks of the Prime Minister shows that the Authority was awaiting suggestions from the Monitoring Committee which was required to meet and finalise before 15th September, 2002 a specific formula for deficit sharing keeping in view the directions of the Cauvery Water Disputes Tribunal given on 3rd April, 1992. It further appears that the Prime Minister proposed that the Authority should meet some time in the third week of September 2002, so as to arrive at an agreed deficit sharing formula which would ensure equal distribution of water to the Cauvery Basin States.

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A chart indicating the storage position in Karnataka reservoirs from August 1, 2002 to August 31, 2002 has been placed on record. This indicates the inflow and outflow as well as the withdrawal and the storage of water in the four reservoirs of the State of Karnataka.

The grievance of the State of Tamil Nadu is that sufficient water is not being released which is adversely affecting its future crops. As it is likely to take a few more days before the Authority renders a final decision, in our view it will be appropriate if some interim arrangement is made.

Taking all the circumstances into consideration and after hearing the learned counsel for the parties as well as the Solicitor General for the Union of India, we direct the State of Karnataka to release water from its reservoirs in Karnataka so as to ensure that 1.25 TMC of water is made available in Tamil Nadu Mettur Reservoir

every day, till final decision is taken by the Authority.  
It is made clear that the order passed today will stand  
automatically superseded by any decision taken by the  
said Authority. The Authority is requested to finally  
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decide the dispute between the States with regard to the  
pro rata sharing of water by the Cauvery Basin States,  
especially in time of distress.

This order to operate with effect from tomorrow  
(4th September, 2002).

I.A. is disposed of.

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.....CJ

.....J  
(K.G. BALAKRISHNAN)

.....J  
(ARIJIT PASAYAT)

New Delhi;  
September 3, 2002.