

ITEM NO.57

COURT NO.4

SECTION XVII

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

Miscellaneous Application No. 3127/2018 in C.A. No. 2453/2007

(Arising out of impugned final judgment and order dated 16-02-2018 in C.A. No. No. 2453/2007 passed by the Supreme Court Of India)

THE STATE OF KARNATAKA BY ITS CHIEF SECRETARY Petitioner(s)

VERSUS

STATE OF TAMIL NADU STATE OF
TAMILNADU BY ITS CHIEF SECRETARY Respondent(s)

(IA No. 178579/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 177995/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 172968/2018 - CLARIFICATION/DIRECTION, IA No. 84201/2022 -CLARIFICATION/DIRECTION, IA No. 84197/2022 - INTERVENTION/IMPLEADMENT AND IA No. 94654/2021 - INTERVENTION/IMPLEADMENT)

WITH

MA 1869/2023 in C.A. No. 2453/2007 (XVII)
(IA No. 22609/2023 - APPROPRIATE ORDERS/DIRECTIONS)

MA 1871/2023 in C.A. No. 2453/2007 (XVII)
(IA No. 160889/2023 - APPROPRIATE ORDERS/DIRECTIONS AND IA No. 160886/2023 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 2210/2018 in C.A. No. 2453/2007 (XVII)
(FOR ADMISSION)

C.A. No. 5608/2021 (XVII)
(IA No. 113630/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 113629/2021 - STAY APPLICATION)

MA 93/2022 in C.A. No. 2453/2007 (XVII)
(IA No. 107109/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 25-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. V. Krishnamurthy, Sr. Adv.
Mr. G. Umapathy, Sr. Adv.

Mr. P. Wilson, Sr. Adv.
 Mr. N. R. Elango, Sr. Adv.
 Mr. D.kumanan, AOR

Mr. Shyam Divan, Sr. Adv.
 Mr. Shashi Kiran Shetty, Ag, Karnataka, Adv.
 Mr. Mohan V. Katarki, Sr. Adv.
 Mr. R.S. Ravi, Sr. Adv.
 Mr. V. N. Raghupathy, AOR
 Mr. Sudipto Sircar, Adv.

Mr. S. Mahendran, Adv.

For Respondent(s)

Mr. C.S.Vaidyanathan, Sr. Adv.
 Mr. Aravindh S., AOR
 Mr. Abbas, Adv.

Mrs. Aishwarya Bhati, A.S.G.
 Mr. Wasim Quadri, Sr. Adv.
 Mr. Ashok Panigrahi, Adv.
 Mr. Digvijay Dam, Adv.
 Mr. Chanakya Dwivedi, Adv.
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Mr. S. Nagamuthu, Sr. Adv.
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 Ms. Priyaranjani Nagamuthu, Adv.
 Mr. R. Sudhakaran, Adv.
 Mr. G.r. Vikash, Adv.
 Mr. Bilal Mansoor, Adv.

Mr. D.Kumanan, AOR
 Mr. R. Nedumaran, AOR
 Mr. V. N. Raghupathy, AOR
 Mr. K. V. Vijayakumar, AOR
 Mr. B. Balaji, AOR
 Mr. Rajesh Mahale, AOR
 Mr. Ramesh Babu M. R., AOR

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

1. It is the contention of the State of Tamil Nadu that though the orders have been passed by the Cauvery Water Regulatory Committee (for short "CWRC") and the Cauvery Water Management Authority (for short "CWMA"),

the water, which is to be supplied for State of Tamil Nadu, is not being supplied by the State of Karnataka.

2. On the contrary, it is the contention of the State of Karnataka that more water than what was earmarked by the CWMA has already been discharged. It is submitted that, however, it takes three days' time for the water to travel up to the State of Tamil Nadu.

3. Mr. Shyam Divan, learned senior counsel appearing for the State of Karnataka submits that, as a matter of fact, the orders passed by the CWMA are adverse to the interest of the State of Karnataka and the State of Karnataka has filed an application for reduction of the water allotted to the State of Tamil Nadu.

4. *Per contra*, it is the grievance of the State of Tamil Nadu that the water allotted is much less. They have requested the authorities for enhancement of the water for State of Tamil Nadu.

5. We do not possess any expertise on the matter.

6. Apart from that, Ms. Aishwarya Bhati, learned Additional Solicitor General states that meeting of the CWRC is scheduled on Monday, i.e. 28.08.2023 for considering the issue regarding discharge of water for the next fortnight. She submits that, thereafter, the matter would go before CWMA.

7. We find that it will be appropriate that the CWMA submits its report as to whether the directions issued by it for discharge of water have been complied with or not.

8. In the meantime, the orders with regard to the discharge of the water for the next fortnight will also be available.

9. We, therefore, request the learned Additional Solicitor General to communicate this order to the CWMA and obtain its report prior to next Friday, i.e. 01.09.2023.

10. List Diary No. 34775 of 2023 along with these matters on 01.09.2023.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)