

SECTION: XVII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 32517 OF 2018

WITH

INTERLOCUTORY APPLICATION NO. 177837 OF 2018

(Application for exemption from filing certified copy of the
impugned judgment)

AND

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 33018 OF 2018

WITH

INTERLOCUTORY APPLICATION NOS. 2304 OF 2019

(Application for permission to file additional documents)

AND

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 19312 OF 2019

WITH

INTERLOCUTORY APPLICATION NO. 115197 OF 2019

(Application for permission to file additional documents)

AND

CONTEMPT PETITION (C) NOS. 724 OF 2020

IN

SPECIAL LEAVE PETITION (C) NOS. 19312 OF 2019

THE STATE OF MAHARASHTRA ETC.

...PETITIONERS

VERSUS

THE STATE OF GOA & ANR. ETC.

...RESPONDENTS

OFFICE REPORT

The matters above mentioned was listed before the Hon'ble Court on 15th July, 2020, when the Hon'ble Court was pleased to pass the following order: -

"List the Special Leave Petitions for directions in the week commencing 24 August, 2020."

SLP(C) Nos. 32517 of 2018

There are two respondents in the matter.

It is submitted that Ms. Mukti Chowdhary, Advocate has on 19.02.2021 filed vakalatnama on behalf of Respondent Nos. 1. Mr. V. N. Raghupathy, Advocate is representing Respondent No. 2. Both the Counsels have already filed Counter Affidavit on their behalf and the same are placed with the paperbooks.

It is further submitted that Counsel for the Petitioner has already filed rejoinder affidavit to the Counter Affidavit on

behalf of Respondent No. 1 (i.e. The State of Goa), with the permission of this Hon'ble Court. (Copy of the same is included in the paper books)

Service of the notice in the matter is complete.

SLP(C) Nos. 33018 of 2018

There are two respondents in the matter.

It is submitted that Ms. Mukti Chowdhary, Advocate has on 19.02.2021 filed vakalatnama on behalf of Respondent Nos. 1 and Counter Affidavit has been already filed. In respect of Respondent No. 2, which is a petitioner in SLP(C) No. 32517/ 2018, represented through Mr. Soumik Ghosal, Advocate but no one has entered appearance in the respective matter so far. (Separate volume of the counter affidavit is placed with the paper books)

It is further submitted that Counsel for the Petitioner has already filed rejoinder affidavit to the Counter Affidavit on behalf of Respondent No. 1. (Separate volume of the rejoinder affidavit is placed with the paper books)

Service of the notice in the matter is complete.

SLP(C) Nos. 19312 of 2019

There are two respondents in the matter.

It is submitted that Mr. V. N. Raghupathy and Mr. Soumik Ghosal, Advocates have already filed vakalatnama and counter affidavit on behalf of Respondent Nos. 1 and 2 respectively. (Separate volumes of the counter affidavits are placed with the paper books)

It is further submitted that Ms. Mukti Chowdhary, Advocate has on 19.02.2021 filed vakalatnama on behalf of the Petitioner. Counsel for the Petitioner has already filed rejoinder affidavit to the Counter Affidavit on behalf of Respondent No. 1, with the permission of this Hon'ble Court. (Copy of the same is included in the paper books)

Service of the notice in the matter is complete.

CONTEMPT PETITION (C) No. 724 of 2020 IN SLP (C) NO. 19312 OF 2019

The Special Leave Petition above-mentioned was listed before the Hon'ble Court on 2nd March, 2020 when the Court was

pleased to pass the following Order:

"IA No 349864 of 2020 in SLP(C) No. 19312/2019

IA No 349864 of 2020 has been moved by the State of Goa. The following directions have been sought in the interlocutory application:

"(a) pass an order restraining respondent nos 1 and 2 i.e. the State of Karnataka and the State of Maharashtra respectively, from taking any steps and/or from carrying out of any activity in purported implementation of the Award dated 14 August 2018 of the Tribunal;

(b) pass an order restraining respondent no 1 from acting upon any and/or all clearances/approvals obtained from Central Agencies/Authorities/Union Government with respect to the consumptive uses within the basin and/or diversion of water out side the basin at the proposed Kalasa dam site or at all; and

(c) pass an order directing a join inspection by the respective Officials of Petitioner and Respondent nos 1 and 2, headed either by an Assessor from the Mahadayi Water Disputes Tribunal, or a Chief Engineer level officer of the Central Water Commission of the site viz. Kalasa river at Kankumbi village or near about thereto on such day as may be deemed convenient by this Hon'ble Court."

On 20 February 2020, this Court passed the following order on IA No. 109720/2019:

"The State of Karnataka has filed an interlocutory application for a direction to the Union of India to publish the award dated 14 August 2018 of the Mahadayi Water Disputes Tribunal.

The prayer is not opposed by Mr Arvind P Datar, learned Senior Counsel appearing on behalf of the State of Goa or by Mr Deepak Nargolkar, learned 3 Senior Counsel appearing on behalf of the State of Maharashtra.

The interlocutory application is allowed, subject to the result of the pending proceedings."

Following the above order of this Court, the Award of Mahadayi Water Disputes Tribunal dated 14 August 2018 has been notified in the Gazette of India on 27

February 2020.

Mr Mukul Rohatgi, learned Senior Counsel appearing on behalf of the State of Goa, submits that the interlocutory application has been instituted because of certain statements attributed to the Chief Minister of Karnataka in the print media. The attention of the Court is drawn to Clauses-X, XI and XII of the operative directions contained in the Award of the Tribunal. For convenience of reference, these directions are extracted below:

“Clause-X

The Order passed by this Tribunal on 17.4.2014, while disposing I.A. No. 1 of 2012 filed by the State of Goa, will continue to be operative and will stand vacated or revoked only after:

(i) The State of Karnataka prepares revised Detailed Project Report(DPR) for consumptive uses within the basin or diversion of water outside the basin including the reservoir losses and other related matters for not more than 1.72 tmc at the proposed Kalasa dam site as permitted under Clause VIII & IX;

(ii) The revised DPR of Diversion Scheme at Kalasa Dam site is appraised by the Central Agencies and is duly cleared;

(iii) All mandatory clearances are obtained as per law; and

(iv) The State of Karnataka is allowed to take up works as per duly approved revised DPR either by the Mahadayi Water Management Authority or the Union Government.

Clause-XI

The Order passed by this Tribunal on 11.2.2015, while disposing I.A. No. 28 of 2012 filed by the State of Goa, will continue to be operative and will stand vacated or revoked only after:

(i) The State of Maharashtra prepares revised Detailed Project Report (DPR) of Viridi Large MI Project limiting to consumptive use of 0.56 tmc of water including reservoir losses and other related matters as permitted under

Clause VIII & IX;

(ii) The revised Detailed Project Report of Virdi Large MI Project is appraised by the Central Agencies and is duly cleared;

(iii) All mandatory clearances are obtained as per law; and

(iv) The State of Maharashtra is allowed to take up works as per duly approved revised Detailed Project Report either by the Mahadayi Water Management Authority or the Union Government.

Clause-XII

The Central Government shall constitute an Authority, called 'Mahadayi Water Management Authority' to implement the Report and final decision of Mahadayi Water Disputes Tribunal with functions and compositions etc. as mentioned at para 1350 to para 1369 of this Report;"

In view of the above directions, it is evident that the order passed by the Tribunal on 17 April 2014 while disposing of IA No 1 of 2012 filed by the State of Goa is to continue in operation while certain conditions fulfilled. Hence, there is no reason to entertain the interlocutory application which has been instituted by the State of Goa having regard to the above directions which have been issued by the Mahadayi Water Disputes Tribunal. The Court has also been apprised of the fact that applications have been 5 moved before the Tribunal by all the three States.

The Interlocutory Application is, accordingly, disposed of."

It is submitted that Mr. Pratap Venugopal, Advocate for the Petitioner has filed Contempt Petition against the alleged Contemnor for wilfully and deliberately not complying with Hon'ble Court's order dated 02.03.2020 passed in I.A. No. 349864/2020. (Separate volumes are placed with the paper books)

It is further submitted that Ms. Mukti Chowdhary, Advocate has on 19.02.2021 filed vakalatnama on behalf of the Petitioner.

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED THIS THE 19TH DAY OF FEBRUARY, 2021.

-sd/-

ASSISTANT REGISTRAR

Copy to :

1. Mr. Soumik Ghosal, Advocate
2. Mr. V. N. Raghupathy, Advocate
3. M/s. K. J. John & Co., Advocates
4. Ms. Mukti Chowdhary, Advocate

ASSISTANT REGISTRAR