

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). 4/2007

STATE OF ORRISA

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

Respondent(s)

Date : 15-02-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Gopal Subramaniam, Sr. Adv.
Mr. Arun Kathpalia, Sr. Adv.
Mr. Radha Shyam Jena, AOR
Mr. Pavan Bhushan, Adv.

For Respondent(s) Mr. A.K. Panda, Sr. Adv.
UOI Mr. S. Wasim A. Qadri, Adv.
Mr. Ashok K. Srivastava, Adv.
Ms. Sangita Joshi, Adv.
Ms. Arunima Dwivedi, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Hemant Arya, Adv.

AP Mr. A.K. Ganguli, Sr. Adv.
Mr. D. Srinivas, Adv.
Mr. Guntur Prabhakar, AOR
Mr. G. Pramod Kumar, Adv.

Chhattisgarh Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

Karnataka Mr. S.S. Javali, Sr. Adv.
Mr. Brijesh Kalappa, Adv.
Mr. Gurudatta Ankolekar, Adv.
Mr. V. N. Raghupathy, AOR

Mr. Y. Raja Gopala Rao, AOR

Mr. Krishnamurthi Swami, AOR

Mr. D. M. Nargolkar, AOR

UPON hearing the counsel the Court made the following

O R D E R

I.A. No. 1

This is an application filed by the plaintiff (State of Odisha) for restraining defendant No.1 (State of Andhra Pradesh) from proceeding with the construction of the Polavaram project (known as Indira Sagar Project) on the river Godavari at Polavaram.

It is submitted by learned counsel appearing on behalf of the State of Odisha that he does not press for a blanket injunction but submits that the construction should be in accordance with the Godavari Water Disputes Tribunal Award 1980 and the necessary clearances should be in conformity with the relevant laws including Forest Conservation Act, 1980 and the Environment (Protection) Act, 1986.

The application is, of course, opposed by other defendants who say that the construction is going on in accordance with Godavari Water Disputes Tribunal Award 1980 as well as the statutes.

In view of the submissions made by learned counsel for the State of Odisha, the subsequent applications (I.A. Nos. 2, 3, 4, 5-9, 10) filed by the State of Odisha will stand disposed of. It will, of course, be open to learned counsel for the parties to rely on the contents of the applications, replies and documents filed by the parties that are already on record at the time of hearing of these applications.

We request learned counsel for the State of Odisha, for

convenience, to place his submissions made in all the applications in one volume so that it will be convenient for the defendants to address submissions on that basis.

We make it clear that only I.A. No. 1 and I.A. No. 12 are pending for consideration. Pleadings be completed in I.A. NO.1 and I.A. NO.12 before 31st March, 2018.

For submissions of I.A. No. 1 and I.A. No. 12, list the matter on 17.04.2018.

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Learned counsel for the defendants say that written statement will be filed within a specific time frame after disposal of I.A. No.12 which is for amendment of the plaint.

Learned counsel for the defendants also state that all the defendants - States as well as the Government of India are bound by the terms of Godavari Water Disputes Tribunal Award 1980. Learned counsel for the State of Odisha also states that the plaintiff is bound by the terms of Godavari Water Disputes Tribunal Award 1980.

Since there is agreement between all the learned counsel in this regard, the Chief Secretary of the plaintiff (State of Odisha) and the Chief Secretary of the defendants (States of Chattisgarh, Maharashtra, Telangana, Karnataka) and the Secretary of the Water Resources Department, Government of India should file a specific affidavit in this regard within a period of four weeks stating that their respective Governments are bound by Godavari Water Disputes Tribunal Award 1980.

It was mentioned in the order dated ...12.12.2017 that the Chief

Ministers of the concerned States will try to arrive at a settlement. We make it clear that pendency of these proceedings does not preclude the Chief Ministers of the States in arriving at a settlement.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER