

ITEM NO.40

COURT NO.5

SECTION XVII-A

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). 1/2018

THE STATE OF TAMIL NADU

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ANR.

Respondent(s)

(IA No. 52666/2019 - APPLICATION FOR PERMISSION
IA No. 193417/2019 - CLARIFICATION/DIRECTION
IA No. 95609/2018 - STAY APPLICATION)

Date : 14-12-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. V. Krishna Murthy, Sr. Adv
Mr. G. Umopathy, Sr. Adv.
Mr. D.kumanan, AOR

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. Prabhuling K. Navadgi, AG, Karnataka
Mr. Mohan V. Katarki, Sr. Adv.
Mr. V. N. Raghupathy, AOR
Mr. Sanam Tripathi, Adv.

Ms. Aishwarya Bhati, ASG
Mr. S.Wasim A. Qadri, Sr. Adv.
Mr. Rustam Singh Chauhan, Adv.
Ms. Kunika Champawat, Adv.
Mr. Salvador Santosh Rebello, Adv.
Mr. Sachin Sharma, Adv.
Ms. Chitrangda Rastravara, Adv.
Mr. Pratyush Shrivastav, Adv.
Ms. Swati Ghildiyal, Adv.
Ms. Bano Deswal, adv.
Mr. Mohit Sharma, Adv.
Mr. Arvind Kumar Sharma, AOR

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

An application has been filed on behalf of the Union of
India to grant further six months' time to complete the entire

process in order to constitute the Tribunal to resolve the dispute between the two States, which is the subject matter of the present suit. The same be taken on record.

It is pointed out that in order to constitute the Tribunal, the following are required to be followed:

I. A proposal for information of Pennaiyar Water Dispute Tribunal has to be approved by Hon'ble Minister;

II. Cabinet Note seeking approval for constitution of Tribunal and also for the creation of posts of a Chairman, two members and two Assessors is to be prepared;

III. After approval of Cabinet Note by Hon'ble Minister, it is circulated to Ministry of Home Affairs, Ministry of Law & Justice, Ministry of Finance and Prime Minister Office for their comments/observations and the same are also incorporated in the Cabinet Note;

IV. Thereafter legal vetting is to be done by Ministry of Law & Justice; and

V. Gazette notification of formation of Pennaiyar Water Disputes Tribunal will be issued after approval of the Union Cabinet."

It is pointed out that at present the Cabinet Note for the Constitution of Pennaiyar Water Disputes Tribunal has been approved by the concerned Minister (Jal Shakti) and the same has been circulated by the Ministry of Home Affairs, Ministry of Law & Justice, Ministry of Finance and Prime Minister Office on 29.11.2022 for their comments/observation within two weeks.

It is submitted that thereafter steps (IV) and (V) mentioned above will be taken up.

Therefore, further six months' time is sought. In the facts and circumstances of the case and considering the facts stated

hereinabove, we grant further time of three months to the Central Government to complete the process of constituting the Tribunal to resolve the dispute between the two states namely States of Karnataka and Tamil Nadu which is the subject matter of present dispute.

List on 14.03.2023.

(INDU MARWAH)
COURT MASTER (SH)

(NISHA TRIPATHI)
ASSISTANT REGISTRAR