

ITEM NO.105

COURT NO.3

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 No(s). 6/1996

THE STATE OF HARYANA
DEPARTMENT OF IRRIGATION THE SECRETARY

Petitioner(s)

VERSUS

THE STATE OF PUNJAB & ANR.
([TO GO BEFORE THREE HON'BLE JUDGES]
IA No. 87466/2020 - APPLICATION FOR PERMISSION
IA No. 87467/2020 - EXEMPTION FROM FILING O.T.
IA No. 145682/2019 - INTERVENTION APPLICATION)

Respondent(s)

WITH

W.P.(C) No. 455/2005 (PIL-W)

CONMT.PET.(C) No. 511/2004 In ORGNL.SUIT No. 6/1996 (XVII-A)

Date : 06-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Anish Kumar Gupta, AOR
Ms. Archana Preeti Gupta, Adv.
Mr. Nisarg Chaudhary, Adv.
Ms. Rita Gupta, Adv.
Mr. Udayaditya Bannerjee, Adv.

Mr. Dinesh Kumar Garg, AOR

For Respondent(s) Mr. K.K. Venugopal, Ld.AG
Mr. Tushar Mehta, Ld. SG
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Ashok Panigrahi, Adv.
Mr. Ankur Talwaar, Adv.
Mr. Rajat Nair, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. A.K. Sharma, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. B. Krishna Prasad, AOR

Mr. Jagjit Singh Chhabra, AOR
Mr. Vinay K. Shailendra, Adv.

Dr. Manish Singhvi, Sr. Adv.
Mr. Arpit Parkash, Adv.
Mr. Vikalp Sharma, Adv.
Mr. D. K. Devesh, AOR
Mr. Harsh Singh Rawat, Adv.
Mr. Suprabh Kumar Roshan, Adv.
Ms. Snehal U. Kanzarkar, Adv.

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

Application for exemption from filing official translation is allowed.

Water is a natural resource and living beings must learn to share it whether be it individuals, States or countries!

A letter dated 05.09.2022 has been placed before us addressed by the Secretary, Ministry of Jal Shakti to the learned Attorney General.

We may note that the issue in question is of execution of a decree of this Court on the aspect of the construction of Satluj Yamuna Link Canal which has been languishing for two decades.

The letter takes note of the last order dated 28.07.2020 directing the meeting of various stake holders to be convened at the high level and the outcome of the same, if any, be informed to the Court. Learned Attorney General informs that despite various endeavorurs, the State of Punjab did not join the negotiating table. The State of Haryana, on the

other hand, has been pressing for implementation of the decree to complete the construction of the Satluj Yamuna Canal. A suggestion made by the Ministry was that the construction of the canal and other carrier canals could be completed while discussion on water sharing could continue for arriving at an agreement. On the same being expressed, both the States were required to study and deliberate the views expressed in the meeting and the then Hon'ble Chief Minister of Punjab had assured that before the second round of meeting with the Hon'ble Minister of Jal Shakti, he would have a meeting with the Chief Minister of Haryana in an effort to resolve the issue amicably. It appears that thereafter one meeting has been held but there been no constructive development. No meeting has been held for about two years.

The endeavour of this Court has been to arrive at a mediated settlement. That should not be taken as a licence for an infinite period of time to lapse.

Learned Attorney General rightly points out that the Chief Ministers of Punjab and Haryana were and are required to meet and it is agreed before us by the counsels present that such a meeting will be held within this month itself to be continued with further meetings required between Chief Ministers and senior bureaucrats.

Learned counsel for the State of Rajasthan

submits that such a mediated settlement has a role even for the State of Rajasthan and orders have been passed in this behalf on 09.07.2019 and 17.09.2019. On the other hand, learned counsel for the Haryana Government seeks to point out that it is an issue of execution of decree.

Learned Attorney General submits that initially the meeting may be held between Punjab and Haryana and the State of Rajasthan can also be called in at an appropriate stage.

Suffice for us to say that the process of mediation gives a loose arrangement and thus, parties who are strictly not before the Court in the execution proceedings and who may move for a role to play can always be invited for discussions. In what manner the discussion should proceed, would be a concern of the Central Government.

We expect the Ministry of Jal Shakti as well as the two States and the State of Rajasthan to lend full cooperation to see that the matter now proceeds further. On the suggestion of learned Attorney General, we grant four months' time to submit a progress report to us as leaving no date fixed appears to result in no meeting.

We are sure that the parties do realize the ramifications and the necessity of a negotiated settlement, more so, in view of the security concerns

which arise when other forces start taking over in such a scenario.

List on 19.01.2023.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)