

ITEM NO.2

COURT NO.5

SECTION XVII

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). 1/2011

THE STATE OF RAJASTHAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(LIST O.S. 1/2011 AND O.S. 2/2011 SEPARATELY BUT IN SEQUENCE)

Date : 12-04-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Dr. Manish Singhvi, Sr. Adv./AAG
Mr. D.K. Devesh, AOR
Mr. Atul Jha, Adv.
Mr. Mayne, Adv.
Mr. Abhinav S. Raghuvanshi, Adv.
Mr. U.P. Singh, Adv.

Ms. Ruchi Kohli, AOR

For Respondent(s) Mr. R.S. Suri, Sr. Adv.
Mr. Jagjit Singh Chhabra, AOR
Mr. Vinay K. Shailendra, Adv.

Mr. Jagdeep Dhankhar, Sr. Adv.
Mr. Anish Kumar Gupta, AAG
Mr. Kartikeya Vajpai, Adv.
Mr. Chandra Shekhar Suman, Adv.
Mr. Nisarg Chaudhary, Adv.

Ms. Pinky Anand, ASG
Mr. A.N.S. Nadkarni, ASG
Mrs. Madhurima Mridul, Adv.
Mrs. Vimla Sinha, Adv.
Mr. Prashant Kumar, Adv.
Mr. Arvind Kumar Sharma, AOR
Mr. G.S. Makker, AOR
Mr. Sumit Teterwal, Adv.
Mr. D.S. Mahra, AOR

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

The issues framed by us today are as follows:-

1. Whether the State of Rajasthan is entitled to carry 0.17 MAF (Ex-Nangal) Beas diverted water through BML for Sidhmukh Nohar Project in accordance with various agreements between the partner states and Government of India including the agreement dated 31.12.1981 and the decision of the Union of India dated 15.01.1982? (OPP)
2. Whether the capacity of BML has been restored to the extent capacity as mentioned in the Government of India order dated 15.01.1982? (OPP)
3. Whether the State of Haryana has any obligation to carry Ravi-Beas Water in the 300 cusecs (0.17 MAF) capacity of BML, which already stands allocated to the State of Rajasthan by Government of India decision dated 15.01.1982 for carrying of 0.17 MAF of Beas Diverted Water? (OPP)
4. Whether the State of Haryana is bound to comply with the part of decision dated 15.01.1982 regarding the carriage of 0.17 MAF (Ex-Nangal) of water of Rajasthan through BML especially when the State of Rajasthan has honored their part of the decision for carriage of 0.05 MAF (Ex-Harike) of Ravi Beas Water to the State of Haryana through Rajasthan Feeder? (OPD)

5. Whether the Government of India through its statutory arm BBMB is under the statutory obligation to ensure that the release of 0.17 MAF (Ex-Nangal) of Beas diverted water is released through BML in accordance with the agreement dated 31.12.1981 and the Government of India decision dated 15.01.1982? (OPP)

6. Whether the issue of completion of Sutlej - Yamuna Link (commonly known as SYL) is a contingency factor or relevant factor for implementation on part of Haryana in pursuance to agreement dated 31.12.1981 as well as the Government of India decision dated 15.01.1982? (OPP)

7. Whether the suit is barred in view of the provisions of Section 11 of the Inter-State River Water Disputes Act, 1962 and Article 262 of the Constitution of India? (OPD)

8. Whether State of Haryana is obliged to carry 0.17 MAF (Ex-Nagal) of Ravi Beas water allocated to State of Rajasthan in preference to carry its own allocated share of Ravi Beas waters, specifically, when there is capacity constraint due to non-completion of SYL Canal project? (OPD)

9. Whether State of Haryana is obliged to consider carrying Ravi Beas water through it's carrier system in the absence of non-completion of the SYL project as undertaken in the agreement dated 31st December, 1981? (OPD)

10. Whether the State of Rajasthan can agitate the issue of allocation, carriage and conveyance of 0.17 MAF water Ex-Nangal via BML in the absence of the completion of SYL Canal? (OPD)

11. To what relief the plaintiff is entitled? (OPP)

Affidavits of evidence be submitted to the Registrar of this Court within a period of three months from today.

List on Tuesday, the 6th August, 2019.

(R. NATARAJAN)
COURT MASTER (SH)

(RENU DIWAN)
ASSISTANT REGISTRAR