

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A. NOS.14-17  
IN  
ORIGINAL SUIT NO. 3/2006

STATE OF TAMIL NADU

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.

Respondent(s)

[FOR DIRECTIONS AND PERMISSION TO REPLACE COUNTER AFFIDAVIT  
FILED ON 18.05.2011 IN I.A. NOS. 14-15 AND OFFICE REPORT)

Date: 24/08/2011 These applications were called on for hearing  
today.

CORAM :

- HON'BLE MR. JUSTICE D.K. JAIN
- HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
- HON'BLE MR. JUSTICE R.M. LODHA
- HON'BLE MR. JUSTICE DEEPAK VERMA
- HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)  
State of T.N.

- Mr. V.A. Bobde, Sr. Adv.
- Mr. Gurukrishna Kumar, AAG
- Mr. G. Umopathy, Adv.
- Mr. B.Balaji, Adv.

For Respondent(s)  
State of Kerala

- Mr. Rajeev Dhawan, Sr. Adv.
- Mr. Mohan V. Katarki, Adv.
- Mr. Ramesh Babu M.R., Adv.

UOI

- Mr. Ashok Bhan, Sr. Adv.
- Ms. Rashmi Malhotra, Adv.
- Mr. S. Wasim A. Qadri, Adv.(N/P)
- Mr. S.S. Rawat, Adv.(N/P)
- Mr. D.S. Mahra, Adv.

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

Second Status Report dated 5th August,  
2011, has been submitted by the Empowered  
committee constituted vide order dated 18th  
February, 2010.

...2/-

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In the said report, while indicating the  
present status of investigations, technical  
studies and surveys, it is pointed out that the  
Empowered Committee had approached the Ministry

of Water Resources with a request to make available the services of Mr. S. Ghosh, Director, Central Water Commission on full time basis for a period of three months with effect from 1st June, 2011, to assist the Committee in compilation and co-relating the voluminous documents received by it. However, the said request was declined by the Ministry. Thereafter, the Committee again approached the said Ministry to grant approval for hiring the services of Dr. S.K. Sharma as a consultant, on contract basis, to assist the Committee for a period of three months. The request is stated to have been sent to the Government on 14th July, 2011, but Ministry's response thereon is still awaited.

Mr. Ashok Bhan, learned Senior Counsel appearing for the Union of India, states that according to his information, the said request is under process. He is, however, unable to indicate as to how much further time is likely to

...3/-

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be taken by the Ministry for processing the said proposal. While expressing our displeasure on the delay on the part of the Ministry in processing the request made by the Empowered Committee, we direct that in case the requisite approval for said engagement has not yet been granted, the same shall be granted within two weeks from today.

The Committee has reported that due to change of counsel, there has been some delay in

the completion of the work assigned to the Committee. It is stated that the next date for meeting of the committee is fixed for 31st August, 2011.

Having regard to the circumstances enumerated in the status report, we extend the time for submission of the report by the Empowered Committee till 29th February, 2012.

I.A. NOS. 16 & 17

For the reasons stated in the applications, these are allowed and the State of Kerala is permitted to replace their counter affidavits filed on 18th May, 2011. Consequently, the State of Tamil Nadu is permitted to file their revised rejoinder affidavit to the revised counter affidavit within six weeks.

...4/-

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The applications stand disposed of accordingly.

List all other applications after the final report is submitted by the Empowered Committee.

(VINOD LAKHINA)  
Court Master

(KUSUM GULATI)  
Court Master