

ITEM NO.22

COURT NO.3

SECTION XIV

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 SI.A. NO.12/2016 IN I.A. NO.10 in Civil Appeal No.2456/2007

STATE OF KARNATAKA &amp; ORS.

Appellant(s)

VERSUS

STATE OF T.NADU

Respondent(s)

( For modification of Court's order and office report)

Date : 27/09/2016 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Fali S. Nariman, Sr. Adv.  
Mr. Anil B. Divan, Sr. Adv.  
Mr. S.S. Javali, Sr. Adv.  
Mr. M.R. Naik, Adv. Gen.  
Mr. Mohan V. Katarki, Adv.  
Mr. S.C. Sharma, Adv.  
Mr. V. N. Raghupathy, AOR'  
Mr. R.S. Ravi, Adv.  
Mr. J.M. Gangadhar, Adv.  
Mr. Ranvir Singh, Adv.

For Respondent(s) Mr. Shekhar Naphade, Sr. Adv.  
Mr. Rakesh Dwivedi, Sr. Adv.  
Mr. Subramonium Prasad, Sr. Adv.  
Mr. G. Umapathi, Adv.  
Mr. C. Paranasivam, Adv.  
Mr. B. Balaji, AOR

Mr. Mukul Rohatgi, A.G.  
Ms. Pinky Anand, ASG  
Mr. Wasim A. Qadri, Adv.  
Ms. Snidha Mehra, Adv.  
Mr. Karan Seth, Adv.  
Mr. Zaid Ali, Adv.  
Mr. Ansh Singh Luthra, Adv.  
Ms. Kritika Sachdeva, Adv.

Mr. A.S. Nambiar, Sr. Adv.  
Mr. V. G. Pragasam, AOR  
Mr. P.K. Manohar, Adv.  
Ms. Shania Vasudevan, Adv.  
Mr. Prabu Ramasubramanian, Adv.

Mr. G. Prakash, AOR  
Mr. Jishnu M.L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.  
Mr. Manu Srinath, Adv.

Mr. Ramesh Babu M. R., AOR

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

I.A. Nos.15 and 16 of 2016

The present interlocutory applications contain different prayers, one put forth by the State of Tamil Nadu and the other by the State of Karnataka. As advised at present, we do not intend to advert to the assertions made in the applications or the prayers made therein.

Having heard Mr. Shekhar Naphade, learned senior counsel appearing for the State of Tamil Nadu and Mr. Fali S. Nariman, learned senior counsel appearing for the State of Karnataka and deliberating further, we inquired from Mr. Mukul Rohatgi, learned Attorney General for India what could be the possible solution in such a situation. We have asked for this not because this Court cannot adjudicate or pass appropriate orders in accordance with law to maintain and sustain the rule of law and majesty of law which are elan vital of our constitutional law, but prior to that we have

thought it appropriate that there has to be discussion regard being had to the conceptual federalism prevalent in our democratic body polity.

Mr. Mukul Rohatgi, learned Attorney General has submitted that the Union of India is prepared to facilitate so that the impasse between the two States can appositely melt. Mr. Fali S. Nariman, learned senior counsel appearing for the State of Karnataka has submitted that the Executive head of the State of Karnataka, as suggested by Mr. Rohatgi, shall be available for discussion with the competent authority of Union of India to be suggested by the Attorney General for India. Mr. Shekhar Naphade, learned senior counsel for the State of Tamil Nadu also expressed his consent. As Mr. Mukul Rohatgi, learned Attorney General prays for some time to have the discussion and facilitation of process, we are inclined to adjourn the matter to 2.00 p.m. on 30<sup>th</sup> September, 2016

Be it noted, though there is some grievance with regard to non-compliance of the earlier orders passed by this Court, we are not entering into the said facet today. However, we direct the State of Karnataka to release 6000 cusecs of water from tomorrow i.e. 28<sup>th</sup> September, 2016. We are sure that the State of Karnataka shall obey the order without any kind of impediment, obstruction or any other attitude till we take up the matter on 30<sup>th</sup> September, 2016. Needless to say, the water that has been released will be

adjusted in the eventual adjudication. Mr. Nariman has submitted that there will be difficulty on the part of the State of Karnataka because of the resolution passed. The water shall be released despite the resolution that has been brought on record vide Annexure-IV to I.A. No.16 of 2016. We have issued this direction keeping in mind the deliberation that has taken place and, therefore, we think it appropriate that the State of Karnataka shall follow the order passed by us. We ingeminate and repeat at the cost of repetition that the direction for release of water has been passed for the coming three days despite the resolution passed.

Call the matter on 30<sup>th</sup> September, 2016 at 2.00 p.m.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master