

ITEM NO.1

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). 2/2011

THE STATE OF RAJASTHAN

Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

(O.S. 1/2011 AND O.S. 2/2011 MAY BE SHOWN 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.
Mr. Yasir Rauf, 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 Government of India is under a mandatory obligation to take over the physical possession of the irrigation headworks, at Ropar, Harike and Ferozepur and place the same under the physical control of Bhakra Beas Management Board for the administration, maintenance and operation of said irrigation headworks, and whether there is a corresponding legal obligation on the part of the State of Punjab to deliver possession of the above mentioned irrigation headworks to the Government of India? (OPP)
2. Whether the Union of India is under obligation to direct the BBMB to take possession of irrigation headworks at Ropar, Harike and Ferozepur? (OPP)
3. Whether Sections 78 and 79 of the Punjab Reorganisation Act, 1966 is ultra vires to the Constitution either on the ground of lack of legislative competence on the part of the Parliament or on the ground that the same is inconsistent with the Article 3 & 4 of the Constitution? (OPD) [This issue has already been framed in O.S No.2 of 2007]
4. Whether the suit filed by the State of Rajasthan is maintainable in view of Section 11 of the Inter-State River Disputes Act, 1966 read with Article 262(2) of the Constitution of India? (OPD)

5. Whether the Government of India is under an obligation to take over the physical possession of the irrigation headworks at Ropar, Harike and Ferozepur in the light of provisions contained in Section 79 r/w Section 48 of the Punjab Reorganisation Act, 1966?

(OPD)

6. Whether the State of Rajasthan has any locus to file the instant suit given the fact that it receives no water from the headworks of Ropar and Ferozepur and there is a joint monitoring/observation of Gauges along with Rajasthan and BBMB at Harike and has suffered no prejudice in this regard? (OPD)

7. 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