

21A)

**BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

IN THE MATTER OF:

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

With I.A.No.1 of 2018

(Appln. filed by State of Odisha for interim relief)

13.10.2018 This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. S. Mishra, Advocate General, Odisha

Mr. Mohan V. Katarki, Advocate

Mr. Mahesh Agarwal, Advocate

Mr. R.S. Jena, Advocate

Mr. Ranvir Singh, Advocate

Ms. Anindita Pujari, Advocate

Ms. Parul Shukla, Advocate

Mr. Abhinav Agrawal, Advocate

Ms. Gunika Gupta, Advocate

Mr. Tapas Kumar Praharaj, Adv.

Mr. Vipin Saxena, Principal Resident Commissioner-cum-
Addl. Chief Secretary to Govt.

Mr. Pradeep Kumar Jena, Principal Secretary, Water
Resources Department.

Mr. Vishal Gagan, Special Secretary, Water Resources Dept.

1(3)

Mr. Gopal P. Roy, Chief Engineer,
Water Resources Dept.
Mr. Ashutosh Dash, Superintending Engineer,
Water Resources Dept.

FOR STATE OF CHATTISGARH

Mr. Atul Jha, Advocate
Ms. Avshreya Pratap Singh, Advocate

Mr. Avinash Champavat, Secretary
Mr. H.R. Kutare, Engineer-in-Chief
Mr. S.V. Bhagwat, Chief Engineer
Mr. V.K. Shrivastava, Chief Engineer
Mr. R.K. Nagaria, Superintending Engineer
Mr. R.S. Naidu, Superintending Engineer
Mr. Jayant Bisen, Assistant Engineer
C. XaXa, Chief Engineer.

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Advocate

FOR STATE OF MADHYA PRADESH

Mr. Ashwani Kumar Upmanyu,
Project Director (Chief Engineer)

FOR STATE OF JHARKHAND

Mr. Parmeswar Pd. Singh, Supdt. Engineer
Mr. Rajesh Kumar, Executive Engineer

ORDER

Mr. Mahesh Agarwal, Mr. Atul Jha and Mr.D.M. Nargolkar, learned counsel appear for the States of Odisha, Chhattisgarh and Maharashtra respectively. Mr. Ashwani Kumar Upamanyu, Chief Engineer, appears for the State of Madhya Pradesh and Mr. Parmeshwar Prasad Singh, Superintendent Engineer and Mr. Rajesh Kumar, Executive Engineer appear for the State of Jharkhand being authorised to represent the respective States.

Parties have agreed to file Statement of Claim within eight weeks. The main matter be notified on 12th January, 2019 at 11 A.M.

1/5

I.A.No.1/2018:

This application is filed by the State of Odisha. Issue notice.

Mr.Atul Jha and Mr.D.M. Nargolkar, learned counsel, waive notice for the States of Chhattisgarh and Maharashtra respectively. Mr. Ashwani Kumar Upamanyu, Chief Engineer, appears on behalf of the State of Madhya Pradesh being authorised to represent the State Government and waives notice. Mr. Parmeshwar Prasad Singh, Superintendent Engineer, appears on behalf of the State of Jharkhand being authorised to represent the State Government and also waives notice.

The opponents pray for time to file response to the application which is granted till 1st December, 2018. Rejoinder, if any, be filed before 14th December, 2018. Advance copy of the pleadings be served on the opposite parties well in time.

List this application for hearing on 15th December, 2018 at 11 A.M.



Certified to be true copy.
Singh
13/10/18



Sd/-

..... J
(A.M. KHANWILKAR)
CHAIRMAN

Sd/-

..... J
(DR. RAVI RANJAN)
MEMBER

Sd/-

..... J
(INDERMEET KAUR KOCHHAR)
MEMBER

2(A)

**BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

I.A.NO.1 OF 2018

(Application for interim relief filed by State of Odisha)

IN THE MATTER OF:

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

I.A.No.2 of 2018

(For extension of time to file Statement of Case filed by State of Chhattisgarh)

I.A.No.3 of 2018

(For discovery of documents filed by State of Odisha)

15.12.2018: This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Mukul Rohtagi, Sr. Advocate
Mr. S.P. Mishra, Advocate General, Odisha
M/s. Mahesh Agarwal, R.S. Jena, Ranvir Singh and
Abhinav Agrawal, Advocates
Ms. Anindita Pujari and Ms. Parul Shukla, Gunika Gupta &
Ms. Aarti Kumar, Advocates.

Mr. Sashikanta Mishra, OSJS, Principal Secretary, Law
Mr. Vishal Gagan, IAS, Special Secretary, DoWR
Mr. Ashutosh Dash, Director, ISWI Cell, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. Atul Jha, Standing counsel for Chhattisgarh

Mr. Jagjit Singh Chhabra, Advocate
 Mr. Saksham Maheshwari, Advocate
 Mr. Avinash Champavat, Secretary
 Mr. H.R. Kutare, Engineer-in-Chief
 M/s. S.V. Bhagwat, C. Xaxa, V.K. Srivastava, Chief Engineers
 M/s. R.K. Nagaria, R.S. Naidu, Supdtt. Engineers
 M/s. Jayant Bisen, Mahesh Kumar Sharma, Asstt. Engineers

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Advocate

FOR STATE OF MADHYA PRADESH

Mr. Ashwani Kumar Upmanyu, Chief Engineer, MPCWD

FOR STATE OF JHARKHAND

Mr. Parmeswar Prasad Singh, Supdt. Engineer
 Mr. Rajesh Kumar, Executive Engineer

ORDER

I.A.Nos.2 and 4 of 2018:

I.A.No.2 of 2018 is filed by the State of Chattisgarh for extension of time to file Statement of Case. Although three months' time has been prayed for, we are inclined to grant six weeks' further time to the State of Chhattisgarh.

The State of Maharashtra has also moved an application for the same relief which was mentioned by the counsel for the State. The same is taken on record as I.A.No.4 of 2018. The State of Maharashtra is also granted six weeks' time to file the Statement of Case.

The applications (I.A.Nos.2 and 4 of 2018) are disposed of accordingly.

I.A.No.3 of 2018:

I.A.No.3 of 2018 is filed by the State of Odisha for discovery of documents. Learned counsel for the State of Chhattisgarh submits that if a requisition is sent by the State of Odisha, it will be appropriately responded by the State of Chhattisgarh within two weeks from the date of its receipt. Similarly, the State of Chhattisgarh may consider of sending a requisition to the State of Odisha within two weeks from today which may be responded

36A)

**BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

I.A.NO.1 OF 2018

(Application for interim relief filed by State of Odisha)

IN THE MATTER OF:

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

**With application filed by State of Maharashtra for condonation of delay in filing its
Statement of Case (I.A.No.5)**

09.02.2019 This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Mukul Rohtagi, Sr. Advocate.

Mr. Mohan V. Katarki, Advocate

M/s. Mahesh Agarwal, R.S. Jena, Ranvir Singh, Advocates

Ms. Anindita Pujari and Ms. Gunika Gupta, Advocates

Mr. Abhinav Agrawal, Advocate

Mr. Tapas Kumar Praharaj, Advocate

Ms. Aarti Kumar, Advocate.

Mr. M. Thangathurai, Advocate

Mr. Vishal Gagan, IAS, Special Secretary, DoWR

Mr. Pradeep Kumar Jena, Chief Secretary, DwWR

Mr. Sashikanta Mishra, Principal Secretary, Law

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate

Mr. Atul Jha, Standing Counsel for Chhattisgarh

Mr. Jagjit Singh Chhabra, Advocate

3(B)

Ms. Avshreya Pratap Singh, Advocate
Mr. Saksham Maheshwari, Advocate
Mr. H.R. Kutare, Engineer-in-Chief
M/s. S.V. Bhagwat, C. Xaxa, Chief Engineers
M/s. R.K. Nagaria, R.S. Naidu, Supdt.Engineers
Mr. Jayant Bisen, Asstt.Engineer
Mr. Chetan Pandit, Consultant
Mr. Mahesh Kumar Sharma, Law Officer.

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Advocate

FOR STATE OF MADHYA PRADESH

Mr. Dharmendra Bhandari, Project Manager
Mohanpura-Kundaliya, PMU District Rajgarh (M.P.)

FOR STATE OF JHARKHAND

Mr. Tapesh Kumar Singh, Advocate
Mr. Adhya Pratap Singh, Adv.
Mr. Rajesh Kumar, Executive Engineer

ORDER

I.A.No.5:

Delay condoned in filing the Statement of Case of State of Maharashtra.

I.A.No.1 of 2018:

Short affidavit dated 9.2.2019 filed by the State of Odisha during the course of hearing is taken on record subject to just exceptions by the opposite parties.

Arguments on interim application are concluded. Both sides pray for two weeks time to file written submissions. Prayer accepted.

As requested by the counsel appearing for both sides, we defer the pronouncement of order on the interim application as the parties are willing to interact to find out some amicable arrangement which can be put in place during the pendency of this proceeding. That discussion will obviously be without prejudice to the rights and contentions of the parties.

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Post this matter on 9th March, 2019 for directions at 11 A.M. If the parties are not in a position to find out amicable solution, the date for pronouncement of the order on I.A will be notified on that day.

In main matter:

Four weeks' further time is granted to the State of Jharkhand to file its Statement of Case, as prayed for.

(A.M. KHANWILKAR)
CHAIRMAN

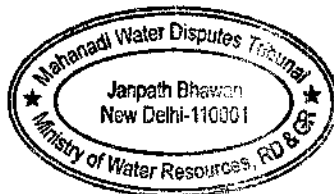
(DR. RAVI RANJAN)
MEMBER

Certified to be True Copy

Singh
Registrar

11/2/2019

(INDERMEET KAUR KOCHHAR)
MEMBER



4(A)

BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI

I.A. NO.1 OF 2018

(Application for interim relief filed by State of Odisha)

IN THE MATTER OF:

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.
(FOR DIRECTIONS)

Respondents

08.05.2019 This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. S.P. Mishra, Advocate General
Mr. Mohan V. Katarki, Advocate
M/s. Mahesh Agarwal, R.S. Jena, Ranvir Singh, Advocates
Dr. Anindita Pujari and Ms. Gunika Gupta, Advocates
Mr. Abhinav Agrawal, Mr. T.K. Praharaj, Advocates
Mr. Tapas Kumar Praharaj, Advocate
Ms. Aarti Krupa Kumar, Advocate.

Mr. Shashikant Mishra, Principal Secretary, Law
Mr. Vishal Gagan, Special Secretary, DoWR
Mr. Ashutosh Dash, Director, ISWI Cell, DoWR, Odisha
Mr. Gopal Roy, Chief Engineer, PPF&I, Odisha

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. Atul Jha, Advocate
Mr. Jagjit Singh Chhabra, Advocate
Mr. Saksham Maheshwari, Advocate
Mr. H.R. Kutare, Engineer-in-Chief
M/s. S.V. Bhagwat, C. Xaxa, Chief Engineers
M/s. R.K. Nargaria, R.S. Naidu, Supdt. Engineers
Mr. Jayant Bisen, Asstt. Engineer
Mr. Chetan Pandit, Consultant

4LB3

Mr. Mahesh Kumar Sharma, Law Officer.

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Advocate

FOR STATE OF MADHYA PRADESH

Mr. B.K. Sharma, Supdt. Engineer
Masonry Dam Circle, Bansagar, Devload
District Shadol (M.P.)

FOR STATE OF JHARKHAND

Mr. Aditya Pratap Singh, Advocate
Mr. Tapesh Kumar Singh, Advocate


ORDER


We are informed by the learned counsel for the parties that preliminary discussion between the high level officials of the respective States did not fructify in any decision. Since the parties are open to explore the possibility of further discussion to arrive at some amicable resolution of the disputes inter se, we defer the pronouncement of interim order till 30th March, 2019. Needless to observe that the negotiations would be without prejudice to the rights and contentions of the parties.

Respondent No.1, State of Chattisgarh, is permitted to replace page Nos.40, 41 and 42 of Enclosure-2 to written submissions filed by them in I.A. 1 of 2018.

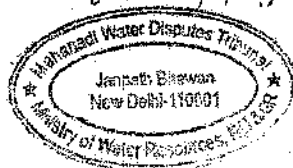
The State of Jharkhand is granted time to file its Statement of Case till 25th March, 2019.


List the matter on 30th March, 2019 at 11 A.M.


(A.M. KHANWILKAR)
CHAIRMAN


(DR. RAVI RANJAN)

Certified to be True Copy




MEMBER

5(A)

BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI

I.A.NO.1 OF 2018

(Application for Interim relief filed by State of Odisha)

IN THE MATTER OF:

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

(FOR DIRECTIONS)

20.03.2019

This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Shekhar Naphade, Sr. Advocate

Mr. S.P. Mishra, Advocate General

Mr. Mohan V. Katarki, Advocate

M/s. Mahesh Agarwal, R.S. Jena, Ranvir Singh, Advocates

Ms. Anindita Pujari, Advocate

Mr. Abhinav Agrawal, Mr. Tapas Kumar Praharaj, Advocates

Ms. S. Lakshmi Iyer, Advocate

Mr. Abhikalp Pratap Singh, Advocate

Ms. Aarti Krupa Kumar, Advocate.

Mr. P.K. Jena, Principal Secretary, DoWR

Mr. Shashikant Mishra, Principal Secretary, Law

Mr. Visha' Gagan, Special Secretary, DoWR

Mr. Ashutosh Dash, Director, ISWI Cell, DoWR, Odisha

Mr. Gopal Roy, Chief Engineer, PPF&I, Odisha

Gm

5(B)

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. Atul Jha, Advocate
Mr. Jagjit Singh Chhabra, Advocate
Mr. Saksham Maheshwari, Advocate

Mr. H.R. Kutare, Engineer-in-Chief
Mr. C. Xaxa, Chief Engineer
M/s. R.K. Nagaria, R.S. Naidu, Supdt. Engineers
Mr. Jayant Bisen, Asstt. Engineer
Mr. Chetan Pandit, Consultant

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF MADHYA PRADESH

Mr. B.K. Sharma, Supdt. Engineer
Masonry Dam Circle, Bansagar, Devload
District Shedo! (M.P.)

FOR STATE OF JHARKHAND

Mr. Aditya Pratap Singh, Advocate
Mr. Tapesh Kumar Singh, Advocate
Mr. Nagesh Mishra, Chief Engineer, Water Resources
Dept., Govt. of Jharkhand

ORDER

As regards the Interlocutory Application for grant of interim relief, counsel for the State of Odisha and State of Chhattisgarh have graciously agreed for further discussion and negotiations for which reason the passing of order on the application is deferred for the time being.

The Reference forwarded by the Government of India in respect of the Letter of Complaint filed by the State of Chhattisgarh has been circulated. It is taken on record.

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Notice is issued on the said Reference to the concerned parties. Counsel appearing for the concerned State Governments appearing in companion Reference waive notice. Office to furnish complete set of paper book of the said Complaint to the respective counsel.

It will be open to the parties to file affidavits/responses in reference to the Statement of Claim filed by the State of Jharkhand.

Liberty is granted to file response to the Statement of Claim filed by the State of Chhattisgarh as prayed by counsel for the State of Odisha.

Other pleadings/affidavits be exchanged between the parties within four weeks from today. Further responses, if any, be filed before the next date of hearing.

The respective States must file reply affidavits/rejoinder affidavits before the next date of hearing against each other in response to the affidavits filed by the opposite parties in the main matter.

As agreed by all the parties, matter is posted on 11th May, 2019 at 11 A.M.

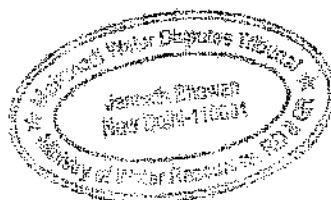
Certified to be True Copy

Sugandh Singh
Registrar
1/4/2019

Sd/-
(A.M. KHANWILKAR)
CHAIRMAN

Sd/-
(DR. RAVI RANJAN)
MEMBER

Sd/-
(INDERMEET KAUR KOCHHAR)
MEMBER



6(A)

BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI

I.A.NO.1 OF 2018 IN REFERENCE NO.1
(Application for interim relief filed by State of Odisha)

AND

REFERENCE NOS. 1 AND 2

IN THE MATTER OF WATER DISPUTES BETWEEN

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.
(FOR DIRECTIONS)

Respondents

11.03.2019 This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Mohan V. Katarki, Sr. Advocate
Mr. S.P.Mishra, Advocate General
M/s. Mahesh Agarwal, R.S. Jena, Ranvir Singh, Advocates
Dr. Anindita Pujari and Ms. Gunika Gupta, Advocates
Mr.T.K.Praharaj and Mr. Tapas Kumar Praharaj, Advocates
Ms. Aarti Krupa Kumar, Advocate.

Mr. Shashikant Mishra, Principal Secretary, Law
Mr. Gopal Roy, Chief Engineer, PPFI, Odisha
Mr. J.P. Behera, S.E., NDLS
MR. Pritam Meher, AEE
Mr. Sagar Mohanty, Director, Planning
Mr. Harmohan Pradhan, Consultant, DoWR

amp

6(B)

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Advocate
Mr. Atul Jha, Advocate
Mr. Jagjit Singh Chhabra, Advocate

Mr. Avinash Champawat, Secretary
Mr. Jayant Pawar, Engineer-in-Chief
Mr. K.S. Dhruw, Chief Engineers
M/s. R.K. Nagaria, R.S. Naidu, Supdtt. Engineers
Mr. Jayant Bisen, Asstt. Engineer
Mr. Chetan Pandit, Consultant

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF MADHYA PRADESH

Mr. B.K. Sharma, Supdt. Engineer
Masonry Dam Circle, Bansagar, Devload
District Shedol (M.P.)

FOR STATE OF JHARKHAND

Mr. Aditya Pratap Singh, Advocate
Mr. Tapesh Kumar Singh, Advocate

ORDER

Reply affidavits filed on behalf of the concerned parties be accepted during the course of the day. Rejoinder affidavit be filed within five weeks from today.

Counsel appearing for the respective parties submit that the negotiations are still inconclusive and they may take four more weeks to work out the modalities. Accordingly, by consent, the matter is deferred till 13th July, 2019.

Gail

6(C)

We make it clear that the parties should ensure that pleadings are exchanged not later than 30th June, 2019 and no further extension in that regard will be given nor request on any count will be entertained.

List on 13th July, 2019 at 11 A.M.

- sd -

(A.M. KHANWILKAR)
CHAIRMAN

- sd -

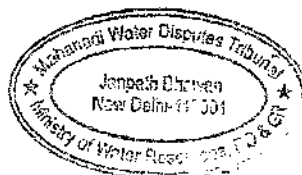
(DR. RAVI RANJAN)
MEMBER

- sd -

(INDERMEET KAUR KOCHHAR)
MEMBER

Certified to be True Copy

Singh/Singh
Registrar 13/5/19



7CAJ

BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI

I.A.NO.1 OF 2018 IN REFERENCE NO.1

(Application for interim relief filed by State of Odisha)

AND

REFERENCE NOS. 1 AND 2

IN THE MATTER OF WATER DISPUTES BETWEEN

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

13.07.2019 : This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Mahesh Agarwal, Mr. Ranvir Singh,
Mr. Abhinav Agarwal, Dr. Anindita Pujari,
Ms. Gunika Gupta, Mr. Tapas Kumar Praharaj and
Mr. Arnav Behera, Advocates.

Mr. Vishal Gagan, Spl.Secretary to Govt. of Odisha
Mr. Shashikant Mishra, Principal Secretary, Law.
Mr. Puran Ch. Sahoo, C.E., PPT & I
Mr. Harmohan Pradhan, Consultant
Mr. A.S. Rao, Consultant

Mr. D.M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF JHARKHAND

Mr. Aditya Pratap Singh, Advocate
Mr. Tapes Kumar Singh, Advocate

ORDER

7(1)

during the pendency of the main proceedings are still being explored and that they are hopeful of some amicable arrangement being worked out in due course.

In view of the above, application for interim relief be listed on 3rd August, 2019.

Reference No.2:

Parties in this Reference are permitted to file Statements of Claim/reply affidavits/reply to the preliminary objections within six weeks from today. Rejoinder thereto shall be filed within three weeks thereafter.

List on 28th September, 2019.

In both matters:

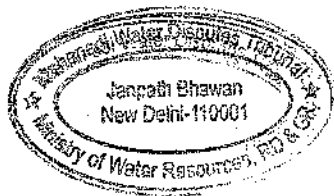
Before the next date of hearing, the parties have agreed to exchange draft issues so as to facilitate framing of issues by the Tribunal.

Admission/Denial of documents may also be completed within six weeks by the parties.

Parties are free to file additional documents within three weeks from today, failing which the Registry shall not accept the same.

Certified to be True Copy

Sunil Kumar Singh
Registrar 16/11/19



.....SD..... J
(A.M. KHANWILKAR)
CHAIRMAN

.....SD..... J
(DR. RAVI RANJAN)
MEMBER

.....SD..... J
(INDERMEET KAUR KOCHHAR)
MEMBER

8(A)

BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI

I.A.NO.1 OF 2018 IN REFERENCE NO.1
(Application for interim relief filed by State of Odisha)

IN THE MATTER OF WATER DISPUTES BETWEEN

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

03.08.2019: This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Mahesh Agarwal, Mr. Ranvir Singh,
Mr. Abhinav Agarwal, Dr. Anindita Pujari,
Ms. Gunika Gupta, Ms. Aarti Krupa Kumar,
Mr. Tapas Kumar Praharaj and
Mr. Arnav Behera, Advocates.

Mr. Shashikant Mishra, Principal Secretary, Law
Mr. Harmohan Pradhan, Consultant
Mr. A.S. Rao, Consultant
Mr. Gopal Prasad Roy, C. E. PPF & I
Mr. Sagar Mohanty, Director, PPF & I
Mr. Pritam Mehar, ADD ISW Cell, New Delhi

aw

6(B)

Mr. A.S. Dash, S.E., Inter State Water Dispute Cell, BBR
Mr. J.P. Behera, S.E. NDLS
Mr. Pritam Meher, AEE, NDLS
Mr. G.P. Roy, C.E. (Retd.) DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Advocate
Mr. Atul Jha, Advocate
Mr. Jagjit Singh Chhabra, Advocate

M/s. R.K. Nagaria, R.S. Naidu, Supdt. Engineers
Mr. Jayant Bisen, Asstt. Engineer
Mr. Nohar Singh Dhruv, Sub Engineer
Mr. Chetan Pandit, Consultant
Mr. Biplob Chatterjee, Consultant
Mr. NK Mathur, Consultant
Mr. MP Tripathi, Prof. & Head

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF JHARKHAND

Mr. Aditya Pratap Singh, Advocate
Mr. Tapesh Kumar Singh, Advocate

ORDER

Counsel for the parties submit that the process of negotiations is still inconclusive on account of unavoidable situation. Resultantly, we defer the pronouncement of order on the prayer for interim relief till 28th September, 2019, as requested by counsel for both sides.

gw

8(1)

Counsel for the parties assure to comply with the directions already given regarding completing the pleadings within the timeline specified in the previous order qua Reference No.2.

It is agreed that the pleadings in Reference No.1 are complete in all respects. Rejoinder affidavit and additional documents by the State of Odisha, be filed during the course of the day.

To be listed on 28th September, 2019 along with Reference Nos.1 and 2.

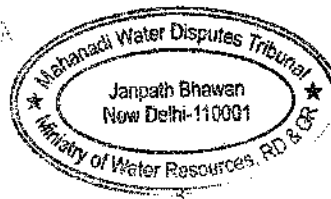
(A.M. KHANWILKAR)
CHAIRMAN

(DR. RAVI RANJAN)
MEMBER

(INDERMEET KAUR KOCHHAR)
MEMBER

Certified to be True Copy

Registrar



9(A)

**BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

I.A.NO.1 OF 2018 IN REFERENCE NO.1

(Application for interim relief filed by State of Odisha)

AND

REFERENCE NO. 1/2018 AND 2/2019

IN THE MATTER OF WATER DISPUTES BETWEEN

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

28.09.2019: This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Mahesh Agarwal, Mr. Ranvir Singh,
Mr. Abhinav Agarwal, Dr. Anindita Pujari,
Ms. Gunika Gupta, Ms. Biswabra Dash,
Mr. Tapas Kumar Praharaj and
Mr. Arnav Behera, Advocates.

Mr. Vishal Gagan, Secretary, DoWR
Mr. Gopal Prasad Roy, C. E. PPF & I
Mr. Asutosh Dash, S.E., ISWI Cell, Odisha
Mr. Harmohan Pradhan, Rtd. Chief Engineer, Consultant
Mr. Pritam Mehar, AEE ISW Cell, New Delhi

9(B)

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Advocate
Mr. Jagjit Singh Chhabra, Advocate
Mr. Saksham Maheshwari, Advocate
M/s. R.K. Nagaria, R.S. Naidu, Supdt. Engineers, WRD
Dr. M.P. Tripathi, Drpt. Soil & Water Engg., IGKV, Raipur
Mr. G.K. Das, Deptt of Agr. Met., IGKV, Raipur
Mr. R.K. Chandrawanshi, Jt. Director, Agrl.
Mr. Chetan Pandit, Consultant
Mr. N.K. Mathur, Consultant
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF JHARKHAND

Mr. Tapesh Kumar Singh, Advocate

ORDER

Reference No.1:

Pleadings are complete. However, we propose to frame the issues on the next date of hearing after the pleadings in Reference No.2 are also complete.

Reference No.2:

By consent, delay in filing the Statements of Case is condoned.

This Reference shall also be listed along with Reference No.1 on the next date. In the meantime, parties to complete the pleadings.

List both the References on 30th November, 2019 at 11 A.M. for framing the Issues.

9(4)

We place on record the submission made by both the sides that the parties are still interacting about the workable arrangement to be evolved till the final decision of the main matter.

Sd/-

..... J
(A.M. KHANWILKAR)
CHAIRMAN

Sd/-

..... J
(DR. RAVI RANJAN)
MEMBER

Sd/-

..... J
(INDERMEET KAUR KOCHHAR)
MEMBER

10(A)

BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI

REFERENCE NO. 1 OF 2018

(With I.A.NO.1 - Application for Interim relief filed by State of Odisha)

AND

REFERENCE NO. 2 OF 2019

IN THE MATTER OF WATER DISPUTES BETWEEN

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

14.12.2019: This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Mahesh Agarwal, Mr. Ranvir Singh,
Dr. Anindita Pujari, Ms. Gunika Gupta,
Ms. Biswabara Dash, Mr. Tapas Kumar Praharaj and
Mr. Arnav Behera, Advocates.

Mr. Gopal Prasad Roy, C. E. PPF & I
Mr. Harmohan Pradhan, Rtd. Chief Engineer, Consultant
Mr. Pritam Mehar, AEE ISW Cell, New Delhi

106B)

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Advocate
Mr. Jagjit Singh Chhabra, Advocate
Mr. Saksham Maheshwari, Advocate
Mr. Jayant Powar, E-in-C
M/s. R.K. Nagaria, R.S. Naidu, Supdt. Engineers, WRD
Mr. R.K. Chandrawanshi, Jt. Director, Agri.
Mr. Chetan Pandit, Consultant
Mr. N.K. Mathur, Consultant
Mr. Biplob Chatterjee, Consultant
Mr. Jayant Kumar Bisen, A.E.

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF JHARKHAND

Mr. Tapes Kumar Singh, Advocate
Mr. Aditya Pratap Singh, Advocate

ORDER

Learned Advocate General, appearing for the State of Odisha, prays for time to file response to the affidavit filed by the State of Chhattisgarh on 12/12/2019. We accede to that request. As a last opportunity, four weeks' further time is granted for completing the pleadings in Reference No.2.

The State of Chhattisgarh has circulated draft issues. Learned counsel for the State of Chhattisgarh also invited our attention to the information that may have to be obtained from the concerned department of the Central Government. The particulars thereof have been mentioned in the list handed over to the Court today. Learned Advocate General appearing for the State of Odisha prays for time

10(C)

to consider the same and also to add on some more items, if required, so that comprehensive requisition can be sent to the Central Government in that behalf.

Rejoinder affidavit to be filed by the State of Chhattisgarh during the course of the day. That be taken on record in Reference No.2.

As regards the interim application in Reference No.1, in all fairness, parties have requested us to defer consideration thereof for the time being as they are still in the process of working out the modalities for an amicable solution.

List the matter on 1st February, 2020 at 11 A.M. for framing of Issues.

Sd/-

..... J
(A.M. KHANWILKAR)
CHAIRMAN

Sd/-

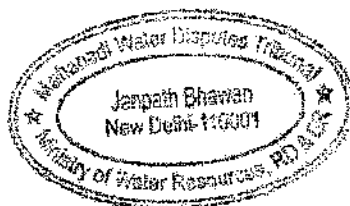
..... J
(DR. RAVI RANJAN)
MEMBER

Sd/-

..... J
(INDERMEET KAUR KOCHHAR)
MEMBER

Certified to be True Copy

[Signature]
Registrar 16/12/2019



01.02.2020

11(A)

BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI

REFERENCE NO. 1 OF 2018

(With I.A.NO.1 - Application for interim relief filed by State of Odisha)

AND

REFERENCE NO. 2 OF 2019

IN THE MATTER OF WATER DISPUTES BETWEEN

State of Odisha

Applicant

Versus

State of Chhattisgarh & Ors.

Respondents

01/02/2020

This matter was called on for hearing before the Tribunal today.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Ranvir Singh, Mr. Mahesh Agarwal,
Dr. Anindita Pujari, Ms. Gunika Gupta,
Mr. Utkarsh Pratap, Mr. Ajitesh Soni,
Mr. Tapas Kumar Praharaj and
Mr. Arnav Behra, Advocates.

11(B)

Mr. Sagar Mohanty, Director, PPF&I
Mr. Ashutosh Dash, Director, ISWI Cell
Mr. Harmohan Pradhan, Rtd. Chief Engineer, Consultant
Mr. Pratap Kumar Choudhary, Dy. Director
Mr. A.S. Rao, Consultant
Mr. Pritam Mehar, AEE ISW Cell, New Delhi

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Advocate
Mr. Jagjit Singh Chhabra, Advocate
Mr. Saksham Maheshwari, Advocate

M/s. R.K. Nagaria, R.S. Naidu, Supdt. Engineers, WRD
Mr. Chetan Pandit, Consultant
Mr. N.K. Mathur, Consultant
Mr. Biplob Chatterjee, Consultant
Mr. Ashwin Kumar, Consultant
Mr. Bapuji Rao Badapati, Consultant
Mr. Jayant Kumar Bisen, A.E.

FOR STATE OF MAHARASHTRA

Mr. D.M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF JHARKHAND

Mr. Tapes Kumar Singh, Advocate
Mr. Aditya Pratap Singh, Advocate

FOR MADHYA PRADESH None

11(C)

ORDER

Delay in filing rejoinder affidavit by the State of Odisha in Reference No.2 is condoned, by consent.

Counsel for both the sides have suggested that the decision on interim arrangement be kept in abeyance for the time being as parties are still exploring possibilities of amicable settlement. We accede to this request. However, we make it clear that pendency of these proceedings or for that matter, compliance with the formalities as directed by the Tribunal from time to time by the parties will be no impediment for the parties to continue with the settlement process including by taking assistance of Central Agencies, if so advised.

State of Odisha has handed over draft Issues which are taken on record. Both the sides suggest that they would arrange for a joint meeting to finalise the draft Issues and continue with the admission and denial of documents to be completed before the next date of hearing, on which date the final Issues can be framed by the Tribunal.

Both sides agree that if some additional documents are required to be filed, liberty be given to the parties to do so. Liberty granted to file the same before the next date of hearing but copies thereof be made available to the counsel for the opposite parties in advance.

We request the counsel appearing for parties to arrange the paper-books/documents already filed on record and duly paginate the same sequentially.

By consent, we defer the hearing of this matter till 18th April, 2020.

-sd- [Redacted]

(A.M. KHANWILKAR)
CHAIRMAN

-sd- [Redacted]

(DR. RAVI RANJAN)
MEMBER

-sd- [Redacted]

(INDERMEET KAUR KOCHHAR)
MEMBER

12CAJ

**BEFORE THE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

with

I.A. NO. 6/2020 IN REFERENCE NO. 1/2018

**(Application on behalf of the State of Chhattisgarh inter alia under
Section 9 of the Inter-State River Water Disputes Act, 1956 for
production of documents and data by Central agencies such as the
Central Water Commission, Central Ground Water Board and India
Meteorological Department)**

IN THE MATTER OF WATER DISPUTES BETWEEN:

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

11.07.2020

This matter was called on for hearing before the Tribunal
through Video Conferencing at 11.00 a.m. today

12(LB)

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE RAVI RANJAN

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

CHAIRMAN

MEMBER

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General

Mr. Mohan V. Katarki, Sr. Advocate

Mr. Ranvir Singh, Adv.

Mr. Mahesh Agarwal

Ms. Anindita Pujari

Ms. Gunika Gupta

Mr. Ajitesh Soni, Adv.

Mr. Utkarsh Pratap, Adv.

Mr. Arnav Behrera, Adv.

Mr. Tapas Praharaj, Adv.

Ms. Biswabara Das, Adv.

Mr. Shashikant Mishra, Principal Secretary, Law

Mr. Harmohan Pradhan, Expert Witness & Consultant

Mr. Ashutosh Das, SE, ISWI Cell

Mr. Sagar Mohanty, Director, PPF&I

Mr. Adikanda Patra, Deputy Director, PPF&I

Mr. A. Sudarsan Rao, Consultant

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate

Mr. K.K. Lahiri, Advocate

Mr. Jagjit Singh Chhabra, Advocate

Mr. R.K. Nagaria, Chief Engineer, WRD

Mr. R.S. Naidu, S.E. cum OIC, WRD

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Senior Advocate

Mr. Viraj Kadam, Advocate

12(C)

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, Advocate

ORDER

After hearing learned counsel for the parties in reference to the draft issues made over to the Tribunal, the parties have eventually agreed for framing following issues for the time being, with liberty to add, delete, modify and alter the same at appropriate time as and when required. In view of above, consolidated issues are formulated as follows:-

1. Whether the Project Report of the "Mahanadi Valley Development Hirakud Dam Project 1947" as prepared by the Central Waterways, Irrigation & Navigation Commission (CWI&NC) constitutes an 'agreement', 'arrangement' or 'understanding' as contended by the State of Odisha?
2. If the answer to Issue 1 is in the affirmative, whether such agreement / arrangement / understanding is valid, binding and enforceable against the other riparian States including the States of Chhattisgarh, Madhya Pradesh, Maharashtra and Jharkhand?
3. Whether CWI&NC was competent to make any apportionment/allocation of the waters of the inter-state river Mahanadi among the riparian States? And,

12(15)

whether CWI&NC had made any apportionment of the waters of the inter-state river Mahanadi?

4. Whether, the predecessors to the States of Odisha, Chhattisgarh, Madhya Pradesh and Maharashtra had agreed that the minimum flow available upto Hirakud dam site (Sambalpur) in the inter-State river Mahanadi and its valley is 20.61 MAF of water annually as mentioned in the Detailed Project Report titled "Mahanadi Valley Development Hirakud Dam project, June 1947"?
5. Whether, the Governments of the Province of Odisha and Central Province and Berar had agreed to an arrangement to utilise the minimum flow of 20.61 MAF available upto Hirakud in the proportion of 12.28 MAF and 8.33 MAF respectively as stated in the following passage of the Detailed Project Report titled "Mahanadi Valley Development Hirakud Dam Project, June 1947":

"The total amount of water required for irrigation each year will be 3.63 m.a.ft made up of 2.94 m.a.ft. direct from the reservoir and 0.69 m.a.ft. from power channel. The total amount of water to be used for power generation will on the average be 8.74 m.a.ft. In addition there will be a mean annual reservoir loss from evaporation etc. of 0.60 m.a.ft. The total water required for irrigation and power including reservoir losses will be $2.94+0.60+8.74 = 12.28$ m.a.ft. of which 4.10 m.a.ft. will be derived from storage and the balance from the normal flow of the river. The minimum run off of the Mahanadi at this point as proposed in the project are met, there will still be 8.33 m.a.ft of water available in the river in the worst year for storage and diversion at dams higher up on the main river or the tributaries"

12(E)

6. Whether the quantum of surplus water i.e. water in excess of minimum flow of 20.61 MAF (estimated in the DPR of Hirakud Dam Project, 1947) available in inter-state Mahanadi river and its valley in the catchment upto Hirakud Dam is 6.17 MAF? What is the share of complainant State of Odisha in the surplus flows?
7. If so, whether any such alleged apportionment /allocation can now hold good?
8. What is the yield of the inter-State river Mahanadi at 75% dependability and 50% dependability: -
 - (i) Upto Hirakud Dam;
 - (ii) Upto Naraj; and
 - (iii) Till the outfall of Mahanadi to the sea?
9. If the yield of the inter-State river Mahanadi and its valley below the Hirakud Dam is relevant, whether yield only upto the head of the Delta (Naraj) is relevant for allocation?
10. Whether the entirety of the yield of the river Mahanadi till its outfall to the sea should be reckoned for allocation of waters among the riparian States?
11. Whether the concept of "prescriptive rights" has any relevance to the adjudication of water disputes among the riparian States in respect of waters of an inter-state river?
12. If the answer to the above question is in the affirmative, whether the State of Odisha has acquired any

prescriptive rights or any other right to receive 12.28 MAF of water at Hirakud reservoir?

13. Whether in view of the hydrological conditions of the inter-State river Mahanadi, any flows during the period October to May can be characterized as "minimum" non-monsoon flows, as claimed by Odisha?
14. Whether, Odisha is entitled to a regulated flow of 2.072 MAF during initial monsoon months of June and July, 6.878 MAF during monsoon months of August to October and 1.74 MAF during non-monsoon months of November to May totaling to 10.69 MAF at the inter State contact points out of its share of 12.28 MAF in the available minimum flow of 20.61 MAF upto Hirakud dam?
15. Whether the equitable share of Odisha in the surplus of 6.17 MAF is not less than 3.67 MAF, and equitable share of Chhattisgarh & other riparian states is not more than 2.50 MAF?
16. Whether State of Odisha has "liberty to use" 3.89 MAF of water out of the available "remaining water"?
17. Whether the State of Chhattisgarh has exceeded its equitable share by planning to utilize 27.48 MAF of Mahanadi waters as disclosed in the letter of Chhattisgarh dated 27.8.2016?
18. What are the equitable shares of the riparian States in the waters of the inter-State river Mahanadi?
19. What would be the formula for sharing of surpluses and shortages in the yield as determined?

20. In the event of distress situation caused by the diminution of flows in the inter-State river Mahanadi and its valley due to deficiency in rainfall, whether party-States are liable to share the short-fall on proportionate (pro-rata) or any other basis?
21. Whether the States of Odisha and Chhattisgarh are bound to give effect to the Agreement dated 28.04.1983 in its entirety?
22. Whether the State of Odisha is justified in its unilateral action of undertaking a revision of the Hirakud Dam project including its Maximum Water Level, Spillway discharge capacity, etc. without taking consent of the State of Chhattisgarh and without complying with the requirements of the Environment Protection Act, 1986, the Rules and the notifications issued from time to time under the applicable law?
23. Whether the ongoing projects in the Chhattisgarh for use of 2.95 MAF of water would cause prejudicial affectation to the interests of Odisha during non-monsoon and if so, whether they are liable to be regulated?
24. Whether the six industrial barrages under construction/completed in the State of Chhattisgarh for utilization of 0.84 MAF of Mahanadi water including 0.49 MAF of non-monsoon months of November to May are illegal and if so, whether they are liable to be decommissioned?
25. Whether alleged construction of 516 anicuts, barrages etc. in Mahanadi basin by State of Chhattisgarh to

12(M)

utilise 1.25 MAF of water have prejudicially affected the downstream flows in State of Odisha during the non-monsoon months of November to May?

26. Whether the State of Chhattisgarh would draw water from the storages of Hirakud reservoir from Kalma barrage constructed in the foreshore of Hirakud reservoir at the RL 192.07 meter?
27. Whether the State of Chhattisgarh is entitled to compensation to be paid by the State of Odisha for the loss and damage suffered or likely to be suffered by it because of submergence in its territory due to backwater flow from the Hirakud Dam?
28. Whether the State of Chhattisgarh is entitled to a share of 63% or such percentage or extent as deemed appropriate, in the power generated in the Hirakud Dam Project?
29. Whether the State of Chhattisgarh is entitled to payment of compensation by the State of Odisha for having been deprived of its share in the power generated at the Hirakud Dam Project since the commencement of its operation in 1957 till date?
30. What is the quantum of ground water available in the entire Mahanadi basin and in particular, in the upstream region of the Hirakud Dam as well as in the downstream of the Hirakud Dam upto the outfall of the river to the sea?

31. What extent of groundwater, if any, should be taken into account in the equitable apportionment of Mahanadi waters among the riparian States?
32. What is the quantum of ground water extraction in the Mahanadi basin in the State of Chhattisgarh and whether the said extraction causes depletion of the surface flow of the river Mahanadi? If so, whether such quantity of ground water extraction should be accounted against the share of Chhattisgarh?
33. Whether State of Chhattisgarh is obliged to maintain its storages in all major and medium reservoirs upto the end of September at a level which is less than 20% of the Full Reservoir level to avoid flooding in the State of Odisha as alleged?
34. Whether, in Mahanadi Basin, the monsoon period begins from the month of June and ends in the month of October and non-monsoon period begins from the month of November and ends in the month of May?
35. Whether the reference made by the Central Government vide letter dated 13.07.2019 is *ultra vires* of Section 5(3) of the Inter State River Water Disputes Act of 1956?
36. Whether the Party States are entitled to the reliefs asked for and to what effect?

I.A. No. 6/2020 in Ref. No. 1/2018:

Issue notice to the non-applicants returnable in three weeks.

Dasti in addition, is permitted.

13(A)



**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

I.A. NO. 6/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Chhattisgarh inter alia under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by Central agencies)

I.A. NO. 7/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha inter alia under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by Central agencies)

I.A. NO. 8/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha for Discovery of documents under Section 9(1)(b) of the Inter-State Water Disputes Act, 1956 r/w Order XI Rule 12 of the Code of Civil Procedure, 1908)

I.A. NO. 9/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha – Admission and Denial of documents filed by the State of Chhattisgarh in Ref. No. 1/2018)

I.A. NO. 10/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha – Admission and Denial of documents filed by the State of Maharashtra in Ref. No. 1/2018)

with

1368)

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

08.08.2020 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 a.m. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Ranvir Singh, Adv.
Mr. Mahesh Agarwal
Ms. Anindita Pujari
Ms. Gunika Gupta
Mr. Ajitesh Soni, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Arnav Behrera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Das, Adv.

Mr. Trbikram Pradhan, Special Secretary
Mr. Shashikant Mishra, Principal Secretary, Law
Mr. Harmohan Pradhan, Expert Witness & Consultant
Mr. Ashutosh Das, SE, ISWI Cell
Mr. Sagar Mohanty, Director, PPF&I
Mr. Adikanda Patra, Deputy Director, PPF&I
Mr. A. Sudarsan Rao, Consultant

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. Jagjit Singh Chhabra, Advocate

Mr. R.K. Nagaria, Chief Engineer, WRD
Mr. R.S. Naidu, S.E. cum OIC, WRD

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Advocate

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Advocate

ORDER

**I.A. No. 6/2020 in Ref. No. 1/2018 (by State of Chhattisgarh
for Production of documents and data by the Central Agencies)**

As jointly requested, list this application on 29.8.2020.

**I.A. No. 7/2020 in Ref. No. 1/2018 (by State of Odisha for
Production of Documents and Data by Central Agencies)**

Issue notice returnable on 29.8.2020.

The notice be served on the concerned Departments mentioned in
the present application through email/online.

13(10)

I.A. No. 8/2020 in Ref. No. 1/2018 (by State of Odisha for Discovery of documents under Section 9(1)(b) of the Inter-State Water Disputes Act, 1956 r/w Order XI Rule 12 of the CPC, 1908)

Issue notice returnable on 29.8.2020. Notice be served through email/online.

I.A. No. 9/2020 in Ref. No. 1/2018 (by State of Odisha - Admission and Denial of documents filed by the State of Chhattisgarh in Ref. No. 1/2018) and I.A. No. 10/2020 in Ref. No. 1/2018 (by State of Odisha - Admission and Denial of documents filed by the State of Maharashtra in Ref. No. 1/2018)

Issue notice returnable on 29.8.2020. Notice be served through email/online.

Ref. Nos. 1/2018 and 2/2019

During the course of arguments, it was suggested that a common format to provide necessary data be finalized before the next date of hearing. Mr. Mohan V. Katarki, learned senior counsel appearing for the State of Odisha has agreed to furnish the format forthwith, as was adopted by Cauvery Water Disputes Tribunal and Krishna Water Disputes Tribunal respectively. That can be taken into account by the Assessors to finalise the format to be adopted in this case. Mr. A.K. Ganguli, learned senior counsel for the State of Chhattisgarh, as well as, Mr. Ashok Kumar Parija, learned Advocate General for the State of

13(E)

Odisha have agreed to give suggestions and/or to add columns or alternative format, as the case may be, so that the Assessors can finalise the format after interacting with the Central Water Commission, if necessary, before the next date of hearing.

It is placed on record that suggestions given by the State of Chhattisgarh to rearrange the issues already finalized in the order dated 11.7.2020 and other suggestions in that behalf will be considered at the appropriate stage.

As regards the interim arrangement to be worked out, the State of Odisha and the State of Chhattisgarh are still engaged in working out the modalities in that regard and would require some more time to finalise the same. That aspect will also be considered on the next date.

List the matter alongwith aforementioned applications on 29.8.2020 at 11.00 a.m.

Certified to be True Copy

Registrar



— Sd —
..... J.
(A.M. KHANWILKAR)
CHAIRMAN

— Sd —
..... J.
(DR. RAVI RANJAN)
MEMBER

— Sd —
..... J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

14(CA)

27.08.2020

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

I.A. NO. 7/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by Central agencies)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 11/2020 in Ref. Nos. 1/2018 and 2/2019

(Application on behalf of the State of Chhattisgarh *inter-alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by the Non-Applicants)

I.A. No. 12/2020 in Ref. Nos. 1/2018 and 2/2019

(Application on behalf of the State of Chhattisgarh *inter-alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for Production of Data/Information/Documents by the State of Odisha)

14(B)

29.08.2020 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 a.m. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Ranvir Singh, Adv.
Mr. Mahesh Agarwal
Ms. Anindita Pujari
Ms. Gunika Gupta
Mr. Ajitesh Soni, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Arnav Behrera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Das, Adv.

Mr. Trbikram Pradhan, Special Secretary
Mr. Shashikant Mishra, Principal Secretary, Law
Mr. Harmohan Pradhan, Expert Witness & Consultant
Mr. Ashutosh Das, SE, ISWI Cell
Mr. Sagar Mohanty, Director, PPF&I
Mr. Adikanda Patra, Deputy Director, PPF&I
Mr. A. Sudarsan Rao, Consultant

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.

Mr. R.K. Nagaria, Chief Engineer, WRD
Mr. R.S. Naidu, S.E. cum OIC, WRD

14(C)

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.

ORDER

After interacting with the learned counsel for the concerned party-States on video conferencing, the issues as framed vide order dated 11.7.2020 have been re-drawn in the following manner: -

A. ISSUES CONCERNING PROJECT REPORT AND ITS EFFICACY

1. Whether the Project Report of the "Mahanadi Valley Development Hirakud Dam Project 1947" as prepared by the Central Waterways, Irrigation & Navigation Commission (CWI&NC) constitutes an 'agreement', 'arrangement' or 'understanding' as contended by the State of Odisha?
2. If the answer to Issue 1 is in the affirmative, whether such agreement / arrangement / understanding is valid, binding and enforceable against the other riparian States including the States of Chhattisgarh, Madhya Pradesh, Maharashtra and Jharkhand?
3. Whether the predecessors of the States of Odisha, Chhattisgarh, Maharashtra and Madhya Pradesh had agreed on the construction of Hirakud Dam and acquiesced into the

14(15)

contents of the project report titled "Mahanadi Valley Development Hirakud Dam Project, June 1947" prepared by Central Waterways, Irrigation and Navigation Commission?

4. Whether, the predecessors to the States of Odisha, Chhattisgarh, Madhya Pradesh and Maharashtra had agreed that the minimum flow available upto Hirakud dam site (Sambalpur) in the inter-State river Mahanadi and its valley is 20.61 MAF of water annually as mentioned in the Detailed Project Report titled "Mahanadi Valley Development Hirakud Dam project, June 1947"?

5. Whether, the Governments of the Province of Odisha and Central Province and Berar had agreed to an arrangement to utilise the minimum flow of 20.61 MAF available upto Hirakud in the proportion of 12.28 MAF and 8.33 MAF respectively as stated at page 36 of the Detailed Project Report titled "Mahanadi Valley Development Hirakud Dam Project, June 1947"?

6. Whether, Odisha is entitled to a regulated flow of 2.072 MAF during initial monsoon months of June and July, 6.878 MAF during monsoon months of August to October and 1.74 MAF during non-monsoon months of November to May totaling to 10.69 MAF at the inter State contact points out of its share of 12.28 MAF in the available minimum flow of 20.61 MAF upto Hirakud dam?

7. Whether the quantum of surplus water i.e. water in excess of minimum flow of 20.61 MAF (estimated in the DPR of Hirakud Dam Project, 1947) available in inter-state Mahanadi river and its valley in the catchment upto Hirakud Dam is 6.17 MAF?

14(E)

8. Whether the share of Odisha in the surplus of 6.17 MAF is not less than 3.67 MAF, and of Chhattisgarh & other riparian states is not more than 2.50 MAF?

9. Whether CWI&NC was competent to make any apportionment/allocation of the waters of the inter-state river Mahanadi among the riparian States? And, whether CWI&NC had made any apportionment of the waters of the inter-state river Mahanadi?

10. If the answer to the above is in affirmative, whether such apportionment/allocation still holds good?

B. ABSENT AGREEMENT, RELEVANT FACTORS FOR DETERMINING EQUITABLE DISTRIBUTION

B-1: Prescriptive right

11. Whether the concept of "prescriptive rights" has any relevance to the adjudication of water disputes among the riparian States in respect of waters of an inter-state river?

12. If the answer to the above question is in the affirmative, whether the State of Odisha has acquired any prescriptive rights or any other right to receive 12.28 MAF of water at Hirakud reservoir?

B-2: Yield

13. What is the annual yield of the inter-State river Mahanadi (a) at 90% dependability, (b) at 75% dependability and (c) at 50% dependability: -

(i) Upto Hirakud Dam;

14(A)

(ii) Upto Naraj; and

(iii) Till the outfall of Mahanadi to the sea?

14. What are the yields, upstream as well as downstream of Hirakud, at the sub-basin level vis-a-vis reasonable demands at the sub-basin level?

15. Whether the entirety of the yield of the river Mahanadi till its outfall to the sea should be reckoned for allocation of waters among the riparian States and if so, what should be the ratio of such allocation?

16. If the yield of the inter-State river Mahanadi and its valley below the Hirakud Dam is relevant, whether yield only upto the head of the Delta (Naraj) is relevant for allocation?

B-3: Hydrology (including contribution by each state) & seasonal variations

17. What is the extent of contribution by different basin states to the total flow in the Mahanadi river and what would be its relevance for equitable distribution of water?

18. Whether, in Mahanadi Basin, the monsoon period begins from the month of June and ends in the month of October and non-monsoon period begins from the month of November and ends in the month of May, as claimed by Odisha?

19. Whether in view of the hydrological conditions of the inter-State river Mahanadi, any flows during the period November to May can be characterized as "minimum" non-monsoon flows, as claimed by Odisha?

20. Whether the State of Odisha is justified in its unilateral action of undertaking a revision of the Hirakud Dam project

14(9)

including its Maximum Water Level, Spillway discharge capacity, etc. without taking consent of the State of Chhattisgarh and without complying with the requirements of the Environment Protection Act, 1986, the Rules and the notifications issued from time to time under the applicable law?

21. Whether the ongoing projects in the Chhattisgarh for use of 2.95 MAF of water would cause prejudicial affectation to the interests of Odisha during non-monsoon and if so, whether they are liable to be regulated?

22. Whether the six industrial barrages under construction/completed in the State of Chhattisgarh for utilization of 0.84 MAF of Mahanadi water including 0.49 MAF of non-monsoon months of November to May are illegal and if so, whether they are liable to be decommissioned?

23. Whether alleged construction of 516 anicuts, barrages etc. in Mahanadi basin by State of Chhattisgarh to utilise 1.25 MAF of water have prejudicially affected the downstream flows in State of Odisha during the non-monsoon months of November to May?

24. Whether the reservoirs in the upstream State of Chhattisgarh are liable to be regulated and operated, so as to prevent prejudicial affectation, to the downstream State of Odisha during the lean years?

25. Whether the reservoirs in the Mahanadi Basin of the party-States are liable to be regulated and operated in the manner as may be determined by the Tribunal?

B-4: Utilisation/use

26. Whether there is wastage of waters in appreciable quantity, either in the basin or in the delta areas of the Mahanadi basin? If

14(H)

so, what is its impact, if any, on the fair, reasonable and equitable distribution of waters of the river Mahanadi?

27. Whether the State of Chhattisgarh has a right to draw water from the storages of Hirakud reservoir from Kalma barrage constructed in the foreshore of Hirakud reservoir at the RL 192.07 meter?

28. Whether the State of Chhattisgarh has exceeded its equitable share by planning to utilize 27.48 MAF of Mahanadi waters as disclosed in the letter of Chhattisgarh dated 27.8.2016?

B-5: Alternative resources for satisfying needs & comparative costs

29. What is the quantum of ground water available in the entire Mahanadi basin and in particular, in the upstream region of the Hirakud Dam as well as in the downstream of the Hirakud Dam upto the outfall of the river to the sea?

30. What is the quantum of ground water extraction in the Mahanadi basin in the concerned State and whether the said extraction causes depletion of the surface flow of the river Mahanadi? If so, whether such quantity of ground water extraction should be accounted against the share of the concerned State?

31. What extent of groundwater, if any, should be taken into account in the equitable apportionment of Mahanadi waters among the riparian States?

32. Whether alternative means of water resources, including channelization of (effluent) waste water within the state and using it for horticultural or agricultural purposes or other uses after treatment, rainwater harvesting, environment compliant river

engineering and generation of potable distilled/desalinated water by the process of distillation/desalination of sea water by setting up of water distillation/desalination plants along the coastal belt, be considered for determining the question of apportionment?

33. Whether any other alternatives are available to generate power, as a substitute to hydro power, to save the surface water without compromising on irrigation in the delta areas?

B-6: Other factors

34. Whether backwardness or lack of development in areas of a particular state is to be reckoned as a relevant factor in ensuring fair and equitable distribution?

35. Whether cropping patterns are to be made compatible with rainfall, river flows and other relevant factors for ensuring fair and equitable distribution?

36. Whether State of Chhattisgarh is obliged to maintain its storages in all major and medium reservoirs upto the end of September at a level which is less than 20% of the Full Reservoir level to avoid flooding in the State of Odisha as alleged?

C. PRINCIPLES OF EQUITABLE APPORTIONMENT

37. What are the equitable shares of the riparian States in the waters of the inter-State river Mahanadi?

38. What would be the formula for sharing of surpluses and shortages in the yield as determined?

39. In the event of distress situation caused by the diminution of flows in the inter-State river Mahanadi and its valley due to

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deficiency in rainfall, whether party-States are liable to share the short-fall on proportionate (pro-rata) or any other basis?

40. Whether the concept of 'remaining waters' has any relevance to the equitable distribution of the entire waters of the inter-state river Mahanadi and if so, whether the State of Odisha has "liberty to use" 3.89 MAF or any other quantity of water out of the available "remaining water"?

D. OTHER ISSUES

41. Whether the States of Odisha and Chhattisgarh are bound to give effect to the Agreement dated 28.04.1983 in its entirety?

42. Whether the State of Chhattisgarh is entitled to compensation to be paid by the State of Odisha for the loss and damage suffered or likely to be suffered by it because of submergence in its territory due to backwater flow from the Hirakud Dam?

43. Whether the State of Chhattisgarh is entitled to a share of 63% or such percentage or extent as deemed appropriate, in the power generated in the Hirakud Dam Project?

44. Whether the State of Chhattisgarh is entitled to payment of compensation by the State of Odisha for having been deprived of its share in the power generated at the Hirakud Dam Project since the commencement of its operation in 1957 till date?

45. Whether the reference made by the Central Government vide letter dated 13.07.2019 is *ultra vires* Section 5(3) of the Inter State River Water Disputes Act of 1956?

46. Whether the Party States are entitled to the reliefs asked for and to what effect?

14 (14)

All parties have agreed to proceed with the reference(s) on the basis of the issues framed above.

I.A. No. 7/2020 in Ref. No. 1/2018 (by State of Odisha for Production of Documents and Data by Central Agencies)

We clarify that notice has been issued to the concerned Departments of Government of India only for the limited purpose of calling upon them to furnish the relevant data/information/documents. The relief sought in the application for impleadment of the concerned Departments cannot be granted, as the stated Departments are not necessary or proper parties.

I.A. No. 11/2020 in Ref. Nos. 1/2018 and 2/2019 (by State of Chhattisgarh for Production of Documents and Data by the Non-Applicants)

It is brought to our notice that some data/information/documents have been furnished by the concerned Departments of the Government of India pursuant to the direction given by the Tribunal. However, it appears that the information shared by the concerned Departments of the Government of India is not complete, for which a fresh application being I.A. No. 11/2020 has been filed by the State of Chhattisgarh on 27.8.2020 for issuing appropriate direction. The relief claimed in the said application reads thus: -

14(4)

"(a) direct the Central Water Commission (CWC), Ministry of Jal Shakti, Department of Water Resources, Government of India; the Central Ground Water Board (CGWB), Ministry of Jal Shakti, Department of Water Resources, Government of India and the India Meteorological Department (IMD), Ministry of Earth Sciences, Government of India to furnish the deficient data and documents as detailed in Annexure-'D' and submit the same to this Hon'ble Tribunal both in print and in electronic form; and

(b) direct the Central Ground Water Board to furnish the additional data and documents as detailed in Annexure-'E' and submit the same to this Hon'ble Tribunal both in print and in electronic form; and

(c) direct the Ministry of Environment, Forests & Climate Change to furnish the data and documents as detailed in Annexure-'F' and submit the same to this Hon'ble Tribunal both in print and in electronic form; and

(d) pass such other or further order or orders or such directions as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and to meet the ends of justice."

As none of the other party-States have objection to allow the relief(s) claimed by the State of Chhattisgarh, this application is allowed in terms of prayers (a) to (c) respectively.

The concerned Departments of the Government of India shall furnish the necessary information/data/documents within four weeks from today. Upon receipt of such information, the Registrar may share

14(M)

the same with the learned counsel appearing for the concerned party-State(s).

The applicant - State of Chhattisgarh is permitted to furnish complete copy of Annexure 'F' by replacing the existing document (Annexure 'F') at pages 37-38 of the present application. That be done in the course of the day through email/online.

I.A. No. 12/2020 in Ref. Nos. 1/2018 and 2/2019 (by State of Chhattisgarh for Production of Data/Information/Documents by the State of Odisha)

The relief claimed in the present application reads thus: -

"(a) direct the State of Odisha to produce the data/information/documents as detailed in Annexures - 'D' and 'E' and furnish the same to the State of Chhattisgarh both in print and in electronic form; and

(b) pass such other or further order or orders or such directions as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and to meet the ends of justice."

The application is allowed. The State of Odisha is directed to produce/furnish the required data/information/documents in terms of the prayer made, within four weeks from today.

As directed vide order dated 8.8.2020, the party-States shall submit draft copy of the format in which the data needs to be compiled.

14(N)

That draft be filed by the respective party-State within ten days from today, if already not filed. The same be made over to the Assessors, who in turn may prepare a common format for collation of data, which can be used during the enquiry. After the common format is prepared, the same be shared with the learned counsel appearing for the party-States and if necessary, the technical team of the concerned party-States may have interaction with the Assessors through video conferencing to give their suggestions or further inputs, if any. The Assessors may submit a report in this behalf before the next date of hearing.

The State of Odisha and the State of Chhattisgarh have agreed to meet next week to work out the interim arrangement during the pendency of these references.

List the matter on 3.10.2020.

Certified to be True Copy

[Signature]
Registrar

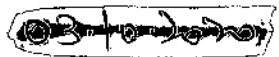


sd/- J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/- J.
(DR. RAVI RANJAN)
MEMBER

sd/- J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

15(A)



**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

I.A. NO. 6/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Chhattisgarh inter alia under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by Central agencies)

I.A. NO. 7/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha inter alia under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by Central agencies)

I.A. NO. 8/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha for Discovery of documents under Section 9(1)(b) of the Inter-State Water Disputes Act, 1956 r/w Order XI Rule 12 of the Code of Civil Procedure, 1908)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

15(B)

with

I.A. No. 11/2020 in Ref. Nos. 1/2018 and 2/2019

(Application on behalf of the State of Chhattisgarh *inter-alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by the Non-Applicants)

I.A. No. 12/2020 in Ref. Nos. 1/2018 and 2/2019

(Application on behalf of the State of Chhattisgarh *inter-alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for Production of Data/Information/Documents by the State of Odisha)

03.10.2020 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 a.m. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE RAVI RANJAN

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

CHAIRMAN

MEMBER

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General

Mr. Mohan V. Katarki, Sr. Advocate

Mr. Ranvir Singh, Adv.

Mr. Mahesh Agarwal

Ms. Anindita Pujari

Ms. Gunika Gupta

Mr. Ajitesh Soni, Adv.

Mr. Utkarsh Pratap, Adv.

Mr. Arnav Behrera, Adv.

Mr. Tapas Praharaj, Adv.

Ms. Biswabara Das, Adv.

Mr. D.K. Samal, EIC, P&D

Mr. Akshay Kumar Dash, CE, PPF

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FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Jayant Kumar Bisen, AE
Mr. Champat Lal Dewangan, AE
Mr. Nohar Singh Dhruv, Sub Engineer

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapes Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.

ORDER

**I.A. No. 7/2020 in Ref. No. 1/2018 (by State of Odisha for
Production of Documents and Data by Central Agencies)**

The reliefs claimed by the State of Odisha in this application
read thus: -

“(a) Implead and direct the Ministry of Jal Shakti,
Department of Water Resources, RD & GR, Government of
India for production of true certified document/data
detailed in S.No. 1-10 of Annexure-‘G’ to the present
application and submit the same to this Hon’ble Tribunal
both in print and in electronic form;

(b) Implead and direct the Ministry of Environment,
Forest and Climate Change (MoEF & CC), for production of
true certified document/data detailed in S.No. 11 of

Annexure-'G' to the present application and submit the same to this Hon'ble Tribunal both in print and in electronic form;

(c) Implead and direct the Central Water Commission (CWC), for production of true certified document/data detailed in S.No. 12-23 of Annexure-'G' to the present application and submit the same to this Hon'ble Tribunal both in print and in electronic form;

(d) Implead and direct the Central Ground Water Board (CGWB), for production of true certified document/data detailed in S.No. 24-34 of Annexure-'G' to the present application and submit the same to this Hon'ble Tribunal both in print and in electronic form;

(e) Implead and direct the Indian Meteorological Department (IMD) for production of true certified document/data detailed in S.No. 35-41 of Annexure-'G' to the present application and submit the same to this Hon'ble Tribunal both in print and in electronic form;

(f) Implead and direct the State Environment Impact Assessment Authority (SEIAA) through State of Chhattisgarh for production of true certified document/data detailed in S.No. 42 of Annexure-'G' to the present application and submit the same to this Hon'ble Tribunal both in print and in electronic form; and

(g) Pass such other or further order or orders or such directions as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and to meet the ends of justice."

The relief claimed for impleadment of concerned Departments of the Government of India stands rejected in terms of the order dated 29.8.2020. As regards the further reliefs against the concerned Department of Government of India, none of the party-States in this application have any objection to grant the same.

15(E)

Accordingly, the present application is allowed to the extent of further relief against the concerned Department of Government of India regarding production of documents/information/data, as applicable.

In other words, the direction given to the Departments of Government of India in terms of the order dated 29.8.2020 is reiterated. The concerned Departments shall ensure compliance of furnishing the necessary information/data/documents within four weeks from today. Be it noted that compliance of this order by the concerned Departments cannot brook any further delay.

Upon receipt of above information, the Registrar may circulate the same to the learned counsel appearing for the concerned party-States forthwith.

Copy of this order be sent to the office of the Secretary of the concerned Department(s), Government of India by email/online forthwith for information and necessary action.

I.A. No. 6/2020 in Ref. No. 1/2018 (by State of Chhattisgarh for Production of documents and data by the Central Agencies)

and

I.A. No. 11/2020 in Ref. Nos. 1/2018 and 2/2019 (by State of Chhattisgarh for Production of Documents and Data by the Non-Applicants)

In view of the order passed in I.A. No. 7/2020 in Ref. No. 1/2018 (application filed by the State of Odisha) today, the present applications also stand disposed of in the same terms.

15(A)

I.A. No. 8/2020 in Ref. No. 1/2018 (by State of Odisha for Discovery of documents under Section 9(1)(b) of the Inter-State Water Disputes Act, 1956 r/w Order XI Rule 12 of the CPC, 1908)

and

I.A. No. 12/2020 in Ref. Nos. 1/2018 and 2/2019 (by State of Chhattisgarh for Production of Data/Information/Documents by the State of Odisha)

Learned counsel for the State of Odisha and Chhattisgarh in all fairness have agreed to exchange the requisite documents within one week. Initially, they propose to exchange letters in that regard within one week from today and then ensure compliance of the requisition within six weeks therefrom.

These applications stand disposed of in the above terms.

Ref. Nos. 1/2018 and 2/2019

Pursuant to the order dated 29.8.2020, the Assessors have already prepared a draft Format, which has been made over to the learned counsel appearing for the concerned party-States. The parties may furnish necessary inputs/suggestions to the Registrar within two weeks from today, which can be incorporated and the final Format can be prepared and placed for approval of the Tribunal on the next date of hearing.

As regards the interim arrangement due to pandemic situation and the concerned officer(s) of the State of Chhattisgarh having tested positive for Covid-19, interaction could not be held with the officials of the State of Odisha. Both parties now agree to

do the needful within four weeks from today. That assurance is placed on record.

List the matter on 7.11.2020 at 11.00 a.m. for directions and finalization of the Format, as aforesaid.

..... J.
(A.M. KHANWILKAR)
CHAIRMAN

..... J.
(DR. RAVI RANJAN)
MEMBER

..... J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

16(A)

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

I.A. NO. 7/2020 in REFERENCE NO. 1/2018

(Application on behalf of the State of Odisha inter alia under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of documents and data by Central agencies)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

07.11.2020 This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 a.m. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

MEMBER

16(B)

FOR STATE OF ODISHA:

Mr. Mukul Rohatgi, Sr. Advocate
Mr. Mohan V. Katarki, Sr. Advocate
Mr. Ranvir Singh, Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Gunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Ajitesh Soni, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Arnav Behra, Adv.

Dr. Trikram Pradhan, Spl. Secretary, DoWR
Mr. Dhiren Kumar Samal, EIC, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Advocate
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, SE-cum-OIC

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Senior Advocate
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapes Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.

ORDER**Ref. Nos. 1/2018 and 2/2019**

Learned counsel appearing for the parties submit that despite best efforts of all concerned, settlement regarding interim arrangement could not be worked out. Hence, a joint request is made that the application for interim relief be reheard on an appropriate day. For that purpose, list the matter on 5.12.2020.

In the meantime, the parties shall submit a joint statement indicating the agreed timelines for disposal of the main matter, which will be taken on record on the next date and appropriate directions may be issued in that regard.

We have been informed that the Assessors have substantially finalized the draft format, but some aspects need further scrutiny in terms of the suggestions given by the parties. That be finalized within two weeks from today. In case the format finalized by the Assessors is not acceptable to any party in part or as a whole, will be free to file application in that regard, which will be considered on the next date i.e. 5.12.2020.

..... J.
(A.M. KHANWILKAR)
CHAIRMAN

..... J.
(DR. RAVI RANJAN)
MEMBER

..... J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

17 (A)

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

With

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

05.12.2020 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 a.m. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
 Mr. Mohan V. Katarki, Sr. Adv.
 Mr. Mahesh Agarwal, Adv.
 Mr. Anindita Pujari, Adv.
 Mr. Ranvir Singh, Adv.
 Ms. Gunika Gupta, Adv.
 Mr. Utkarsh Pratap, Adv.
 Mr. Ajitesh Soni, Adv.
 Ms. Arnav Behera, Adv.
 Mr. Tapas Praharaj, Adv.
 Ms. Biswabara Das, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR
 Mr. D.K. Samal, EIC, P&D

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
 Mr. K.K. Lahiri, Adv.
 Mr. Jagjit Singh Chhabra, Adv.

Mr. Rakesh Kumar Nagaria, CE
 Mr. Ram Swami Naidu, SE-cum-OIC
 Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
 Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapes Kumar Singh, AAG
 Mr. Aditya Pratap Singh, Adv.
 Ms. Bhaswati Singh, Adv.

17(u)

ORDER

Interim Application No. 1/2018

At the outset, learned counsel appearing for both sides made a joint request to defer the hearing of the interim application, as they are still hopeful of arriving at some working arrangement during the pendency of the main proceedings, if given one more opportunity in that regard. They further assured us that the schedule regarding hearing of the main matter will be jointly presented on the next date.

As a result, matter is deferred till 16.1.2021, to be taken up at 11.00 a.m. for hearing on application for interim relief or for reporting settlement, as the case may be.

Ref. Nos. 1/2018 and 2/2019

It was brought to our notice that the Central agencies have failed to comply with the direction issued (vide orders dated 11.7.2020, 8.8.2020, 29.8.2020 and 3.10.2020), regarding furnishing of requisitioned documents/information. In addition, the parties may like to requisition further documents/information from the Central agencies, a list whereof will be furnished alongwith a formal application for appropriate directions in that regard. The parties are at liberty to move such application and request for early listing of the same even before the next date fixed i.e. 16.1.2021, subject to convenience of all concerned.

In the meantime, the Registrar is directed to forthwith take up the matter including through email with the Secretary of the concerned Department of the Government of India for supply of

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the requisitioned documents/information noted in orders dated 11.7.2020, 8.8.2020, 29.8.2020 and 3.10.2020, respectively. Copy of these orders be also forwarded to the concerned Secretary for his/her immediate reference and information. The Registrar shall submit a report regarding status of compliance to the Tribunal on the next date.

sd/- J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/- J.
(DR. RAVI RANJAN)
MEMBER

sd/- J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy

Registrar 07/12/2020



**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 13/2020 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for furnishing and production of data, information and documents by the non-applicants]

I.A. No. 14/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Odisha under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of

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data/document/information by Central Agencies such as the Central Water Commission (CWC), Indian Meteorological Department (IMD), the Indian National Centre for Ocean Information Services (INCOIS), the Central Inland Fisheries Research Institute (CIFRI), the Survey of India (SOI), the Geological Survey of India (GSI) and the Central Ground Water Board (CGWB)]

16.01.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 a.m. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Gunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Ajitesh Soni, Adv.
Ms. Arnav Behera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Das, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR
Mr. D.K. Samal, EIC, P&D

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

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Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, SE-cum-OIC
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.
Ms. Bhaswati Singh, Adv.

ORDER

I.A. No. 13/2020 (On behalf of State of Chhattisgarh for furnishing and production of data, information and documents by non-applicants/Central Agencies)

and

I.A. No. 14/2021 (On behalf of the State of Odisha for production of data/document/information by Central Agencies)

Heard learned counsel for the parties.

As regards applications under consideration, learned counsel have agreed that they would furnish a joint statement consisting of two Schedules on or before 18.1.2021. The first Schedule will refer to the documents/information which is yet to be received from the concerned department including the further documents/information required from the same department. The second Schedule will refer to documents/information already

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received from the concerned department, but which according to the parties, is insufficient or incomplete with appropriate remark in that regard in the "Remarks" column.

We direct that both the Schedules shall form part of the order as Schedule I and Schedule II, respectively. The Registry shall issue notice in reference to the points noted in Schedule I and Schedule II, as the case may be and as applicable, department-wise, to evoke response of the concerned department in reference to the relevant documents/information. The notice shall indicate that the documents/information as noted in the notice in terms of this order, shall be furnished by the concerned department not later than three weeks from today, as the matter is required to be deferred on this account to 6.2.2021.

Interim Application No. 1/2018

As regards the application for interim relief, we are informed that the parties are still exploring the possibility of working out amicable modalities during the pendency of the proceedings. They are free to do so, but must take a firm position at least by the next date of hearing.

Ref. Nos. 1/2018 and 2/2019

The report submitted by the Assessors was considered. The Assessors are directed to prepare the common format for collection

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of data issue-wise. In other words, even if the same fact/figure/information is required to be replicated for the other issue(s), it must find place in the concerned issue(s). The parties through learned counsel have assured to interact with the Assessors for further clarification/discussion, so as to finalize the common format within three weeks for being considered on the next date of hearing.

As regards the agreed schedule for the further enquiry in the concerned Reference, that be furnished on the next date of hearing.

As requested by learned counsel for the applicant-State of Chhattisgarh in I.A. No. 13/2020, the applicant is allowed to replace Annexure-F therein with complete document thereof.

The matter be listed on 6.2.2021 at 12.00 noon.

Certified to be True Copy

Registrar

— Sd —
(A.M. KHANWILKAR)
CHAIRMAN

— [REDACTED] —
(DR. RAVI RANJAN)
MEMBER

— Sd — [REDACTED]
(INDERMEET KAUR KOCHCHAR)
MEMBER



**CONSOLIDATED LIST OF DATA/DOCUMENT/INFORMATION RECEIVED
FROM VARIOUS CENTRAL/STATE AGENCIES AS REQUISITIONED BY STATE
OF ODISHA AND STATE OF CHHATTISGARH VIDE I.A. NO. 7/2020 R/W
SHORT AFFIDAVIT IN I.A. NO. 7/2020 AND I.A. NO. 11 OF 2020 R/W
LETTER DATED 13.01.2021 RESPECTIVELY ALONG WITH THE
DEFICIENCIES THEREIN**

MINISTRY OF JAL SHAKTI, DEPARTMENT OF WATER RESOURCES, RD&GR				
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	DEFICIENCY	REFERENCE
1.	<p>Copies of Technical Advisory Committee (TAC) notes of all projects cleared/ appraised (not limited to the list as given below) in Mahanadi Basin since 1950 and the decision thereof.</p> <ol style="list-style-type: none"> 1. Kharung Major Project, 2. Maniyari Major Project, 3. Ravi Shanker Sagar Project (MRP, Dudhwa & Murumsilli), 4. Minimata (Hasdeo) Bango Project Pairi Project, 5. Kodar Reservoir Project, 6. Tandula Reservoir Project, 7. Jonk Diversion Scheme, 	State of Odisha	<p>Copies of Technical Advisory Committee (TAC) notes of the following projects, namely, Kharung Major Project, Maniyari Major Project, Ravi Shanker Sagar Project (MRP, Dudhwa), Minimata (Hasdeo) Bango Project, Kodar Reservoir Project, Ghonga Project, Putka Tank, Khamarpakut Tank, Mand Diversion, Jhumka Tank, Balar Tank, Matiya</p>	I.A. No. 7/2020, Annexure-G, S.No. 1

SCHEDULE-II

	<p>8. Ghonga Project, 9. Kedar Tank, 10. Putka Tank, 11. Kinkari Tank, 12. Khamarpakut Tank, 13. Mand Diversion, 14. Jhumka Tank, 15. Gej Tank, 16. Mayana Tank, 17. Pt Lakhan Lat Mishra Tank, 18. Kumahari Tank, 19. Balar Tank, 20. Keshwanalla Tank, 21. Gondali lank, 22. Ktiapri Tank, 23. Maroda Tank, 24. Kharkhara Tank, 25. Matiya Moti Tank, 26. Kharkhara Mohandipat Project, 27. Ruse Tank, 28. Dhara Tank, 29. Shivnath Diversion, 30. Mongra Barrage Phase I 31. Pipariya Tank, 32. Saroda Tank, 33. Chhirpani Tank, 34. Sutyapat Project, 35. Karnalla Samoda Nisda Diversion Project Phase-II, 36. Mongra Barrage Phase-II, 37. Sukhanalla Barrage, 38. Ghumariyanalla Barrage)</p>		<p>Moti Tank, Shivnath Diversion, Mongra Barrage Phase I, Sutyapat Project, have been received. Copies of following projects cleared/appraised in Mahanadi Basin since 1950 and the decision thereof have not been received: -</p> <ol style="list-style-type: none"> 1. Tandula Reservoir Project 2. Jonk Diversion Scheme 3. Kedar Tank 4. Kinkari Tank 5. Gej Tank 6. Mayana Tank 7. Pt Lakhan Lat Mishra Tank 8. Kumahari Tank 9. Keshwanalla Tank 10. Gondali lank 11. Ktiapri Tank 12. Maroda Tank 13. Kharkhara Tank 14. Kharkhara Mohandipat Project 15. Ruse Tank 16. Dhara Tank 17. Pipariya Tank 18. Saroda Tank 19. Chhirpani 	
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SCHEDULE-II

			Tank 20. Karnalla Samoda Nisda Diversion Project Phase-II 21. Mongra Barrage Phase-II 22. Sukhanalla Barrage 23. Ghumariyana lla Barrage 24. Pairi Project 25. Murumsilli Project 26. Any other TAC notes not mentioned in the list	
2.	Copies of the Detailed Project Reports (DPR) of all such projects cleared / appraised by Central Water Commission (CWC) in Mahanadi basin since 1950).	State of Odisha	1. Copies of the Detailed Project Reports (DPR) of following projects cleared/appraised by Central Water Commission (CWC) in Mahanadi basin since 1950) have been received: Kharung Major Project, Maniyari Major Project, Sondur Project Financial report, Karnalla Barrage,	I.A. No. 7/2020, Annexure-G, S. No. 2

SCHEDULE-II

			<p>Sukhanalla Barrage, Arpa Bhaissajore, Barrage Project, Minimata (Hasdeo) Bango Project estimate, Kelo Project.</p> <p>2. Copies of DPR of all other such projects cleared/ appraised by Central Water Commission (CWC) in Mahanadi basin since 1950) are required.</p>	
3.	Report of the Advisory Committee (1948) as appointed on March 12, 1948 by the Government of India for the Hirakud Dam Project including its letter of submission, summary of recommendations; Part-I, Part-II, Part III.	State of Odisha	Letter of submission, summary of recommendations; Part-I, Part-II, Part-III, since only report is received.	I.A. No. 7/2020, Annexure-G, S. No. 5
4.	Report of the Advisory Committee (1952) on the Hirakud Dam Project as appointed by the	State of Odisha	Report has been received. However, Terms of reference and all enclosures	I.A. NO. 7/2020, Annexure-G, S. No. 6

SCHEDULE-II

	Government of India on January 10, 1952 along with its terms of reference, report and all enclosures (as referred to in the Rajya Sabha Debates of February 26, 1952).		(as referred to in the Rajya Sabha Debates of February 26, 1952) have not been received.	
5.	All Public Account Committee Reports on the Hirakud Dam Project.	State of Odisha	All Public Account Committee Reports on the Hirakud Dam Project, except 11th Report.	I.A. NO. 7/2020, Annexure-G, S. No. 7
6.	Report of the Mahanadi basin prepared by the system Engineering unit/BPMO since inception of Hirakud Dam 1947.	State of Odisha	Complete report of the Mahanadi basin prepared by the system Engineering unit/BPMO since inception of Hirakud Dam 1947, since pages are missing in the Report received from CWC volume-I, II, III, IV and V (5 volumes)	I.A. NO. 7/2020, Annexure-G, S. No. 8

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MoEF& CC)				
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	DEFICIENCY	REFERENCE
1.	<p>Environment clearance issued on various projects on different sectors (as given below) in Mahanadi Basin since enactment of Environment Impact Assessment Notification, 2006.</p> <ol style="list-style-type: none"> 1) Kudri Barrage 2) Rajiv Samoda Nisda Diversion Project Phase-II 3) Kelo Project 4) Arpa Bhaisajore Barrage Project 5) Sondur Project 6) Mongra Barrage Phase-II 7) Sukanalla Barrage 8) Ghumariyanalla Barrage 9) Sutyapat Medium Project 10) Samoda Barrage 11) Amethi Anicut 12) Hardi-2 Anicut 13) Pandria Anicut 14) Tarasiv Anicut 15) Seorinarayan Barrage 16) Taleddeori Anicut 17) Sonthi Anicut 18) Satigudi Anicut 19) Kudurmali Anicut 20) Basantpur Barrage 21) Mironi Barrage 22) Saradihi Barrage 23) Kalma Barrage 24) Tila Anicut 	State of Odisha	<p>Environment clearance issued on the following projects on different sectors (as given below) in Mahanadi Basin since enactment of Environment Impact Assessment Notification, 2006: -</p> <p>Rajiv Samoda Nisda Diversion Project Phase-II, Sondur Project, Mongra Barrage Phase-II, Sukanalla Barrage, Ghumariyanalla Barrage, Sutyapat Medium Project, Amethi Anicut, Hardi-2 Anicut, Pandria Anicut, Tarasiv Anicut, Taleddeori Anicut, Sonthi Anicut, Satigudi Anicut, Kudurmali Anicut, Rawar Anicut, Tila Anicut, Rajim Anicut, Khatti Anicut, Megha Anicut, Dongapathar Anicut, Amaldih</p>	<p>I.A. No. 7/2020, Annexure-G, S.No. 11 (1 to 37)</p>

SCHEDULE-II

	25) Rawar Anicut 26) Rajim Anicut 27) Khatti Anicut 28) Megha Anicut 29) Dongapathar Anicut 30) Amaldih Anicut 31) Pasid Anicut 32) Motimpur Anicut 33) Kodwakoni Anicut 34) Semriya Anicut 35) Chakraway Tuma Anicut 36) Tiwariya Anicut 37) All Industrial Projects in Mahanadi Basin in Chhattisgarh		Anicut, Pasid Anicut, Motimpur Anicut, Kodwakoni Anicut, Semriya Anicut, Chakraway Tuma Anicut, Tiwariya Anicut, All Industrial Projects in Mahanadi Basin in Chhattisgarh Only clearance date received, report not received for the following projects: - Kudri Barrage, Kelo Project, Arpa Bhaissajore Barrage Project, Samoda Barrage.	
2.	Environment clearance status of Major and Medium Projects in Odisha part of Mahanadi basin. The following is the list of projects: 1. <u>Naraj Barrage</u> 2. <u>Lower Indra</u> 3. <u>Lower Suktel</u> 4. <u>Upper Jonk</u>	State of Chhattisgarh	1. In the Annexure-F to IA No. 11 of 2020 (Page No. 39 to 42) the State of Chhattisgarh had sought information regarding environment clearance status in respect of major, medium and minor irrigation	Enclosure X-4, pages 58-59 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.

SCHEDULE-II

			<p>projects in Odisha part of Mahanadi Basin.</p> <p><i>(COPIES OF THE DOCUMENTS NOT FURNISHED)</i></p> <p>2. No environment clearance status has been furnished in respect of minor irrigation projects in Odisha part of Mahanadi Basin. The MoEF & CC must direct the State Environment Impact Authority (SEIAA), Orissa to furnish Reports of Environment Clearance granted in respect of all these Projects just as it has</p>	
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SCHEDULE-II

			<p>directed the SEIAA, Chhattisgarh to furnish copies of clearances granted in respect of Chhattisgarh Projects. (Reference: Reply of MoEF&CC in response to Annexure-G of IA - 07 of 2020 filed by State of Odisha.)</p>	
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CENTRAL WATER COMMISSION (CWC)				
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	DEFICIENCY	REFERENCE
1a.	<p>Copies of Technical Advisory Committee (TAC) notes of all projects cleared/appraised (not limited to the list as given below) in Mahanadi Basin since 1950 and the decision thereof.</p> <ol style="list-style-type: none"> 1. Kharung Major Project, 2. Maniyari Major Project, 3. Ravi Shankar Sagar Project k AMP, Dudhwa & Murumsilli), 4. Minimata (Hasdeo) Bango Project, 5. Pairi Project, 6. Kodar Reservoir Project, 7. Tandula Reservoir Project, 8. Jonk Diversion Scheme, 9. Ghonga Project, 10. Kedar Tank, 11. Putka Tank, 12. Kinkari Tank, 13. Khamarpakut Tank, 14. Mand Diversion, 15. Jhumka Tank, 16. Gej Tank, 17. Mayana Tank, 18. Pt. Lakhani Lat Mishra Tank, 	State of Odisha	<p>• Copies of Technical Advisory Committee (TAC) notes of the following projects cleared/appraised in Mahanadi Basin since 1950 and the decision thereof: -</p> <ol style="list-style-type: none"> 1. Pairi Project 2. Tandula Reservoir Project 3. Jonk Diversion Scheme 4. Kedar Tank 5. Kinkari Tank 6. Mand Diversion 7. Gej Tank 8. Mayana Tank 9. Pt. Lakhani Lat Mishra Tank 10. Kumahari Tank 11. Balar Tank 12. Keshwanalla Tank 13. Gondali Tank 14. Khapri Tank 15. Maroda Tank 16. Kharkhara 	I.A. NO. 7/2020, Annexure-G, S.No. 12

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19. Kumahari Tank, 20. Balar Tank, 21. Keshwanalla Tank, 22. Gondali Tank, 23. Khapri Tank, 24. Maroda Tank, 25. Kharkhara Tank, 26. Matiya Moti Tank, 27. Kharkhara Mohandipat Project, 28. Ruse Tank, 29. Dhara Tank, 30. Shivnath Diversion, 31. Mongra Barrage Phase-I, 32. Piparis a Tank, 33. Saroda Tank, 34. Chhirpani tank, 35. Sutyapat Project, 36. Karnalla Barrage, 37. Kelo Project, 38. Arpa Bhaisajore Barrage Project, 39. Sondur Project, 40. Rajiv Samoda Nisda Diversion Project Phase-II, 41. Mongra Barrage Phase-II, 42. Sukhanalla Barrage, 43. Ghumariyanalla Barrage).	Tank 17. Kharkhara Mohandipat Project 18. Ruse Tank 19. Dhara Tank 20. Piparia Tank 21. Saroda Tank 22. Chhirpani tank 23. Karnalla Barrage 24. Kelo Project 25. Sondur Project 26. Rajiv Samoda Nisda Diversion Project Phase- II 27. Sukhanalla Barrage 28. Ghumariya nalla Barrage 29. Murumsilli Project • Copies of Technical Advisory Committee (TAC) notes of projects cleared/appraised in Mahanadi Basin since 1950 and the decision thereof, which may not be part of the above list, except Arpa Bhaisajore Barrage Project, Balar Tank, Ghonga Project, Jhumka
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SCHEDULE-II

			<p>Tank, Kharung Major Project, Kodar Reservoir Project, Maniyari Major Project, Matiya Moti Tank, Minimata (Hasdeo) Bango Project, Mongra Barrage Phase-I, Putka Tank, Shivnath Diversion, Sutyapat Project, Ravi Shanker Sagar Project Khamarpakut Tank, since the same has been received.</p>	
1b.	<p>Copies of Technical Advisory Committee (TAC) notes of all projects cleared/ appraised in Mahanadi Basin since 1950 and the decision thereof:</p>	State of Chhattisgarh	<p>Though some of the TAC Notes and some of the DPR's have been provided. However, the remaining TAC Notes and DPRs as listed in Tables - 1, 2 & 3 below are awaited</p>	<p>Enclosure X- 1, pages 1-16 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.</p>
2a.	<p>Copies of the Detailed Project Reports (DPR) of</p>	State of Odisha	<p>Copies of the Detailed Project</p>	<p>I.A. NO. 7/2020, Annexure-G,</p>

SCHEDULE-II

	all such projects cleared / appraised by Central Water Commission (CWC) in Mahanadi basin since 1950.		Reports (DPR) of all such projects cleared/appraised by Central Water Commission (CWC) in Mahanadi basin since 1950, except Kharung Major Project, Maniyari Major Project, Sondur Project Financial report, Karnalla Barrage, Sukhanalla Barrage, Arpa Bhaishajore Barrage Project, Minimata (Hasdeo), Bango Project estimate and Kelo Project.	S.No. 13
2b.	Copies of DPR of all such projects cleared/ appraised by Central Water Commission (CWC) in Mahanadi Basin since 1950;	State of Chhattisgarh	Though some of the TAC Notes and some of the DPR's have been provided. However, the remaining TAC Notes and DPRs as listed in Tables - 1, 2 & 3 below are awaited.	EnclosureX-1, pages 1-16 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
3.	Report of the Advisory	State of Odisha	Letter of	I.A. NO. 7/2020,

SCHEDULE-II

	Committee (1948) as appointed on March 12, 1948 by the Government of India for the Hirakud Dam Project including its letter of submission, summary of recommendations; Part-I, Part-II, Part-III.		submission, summary of recommendations; Part-I, Part-II, Part-III, since only report is received.	Annexure-G, S.No. 16
4.	Report of the Advisory Committee (1952) on the Hirakud Dam Project as appointed by the Government of India on January 10, 1952 along with its terms of reference, report and all enclosures (as referred to in the Rajya Sabha Debates of February 26, 1952).	State of Odisha	Terms of reference, report and all enclosures (as referred to in the Rajya Sabha Debates of February 26, 1952), since only Report is received.	I.A. NO. 7/2020, Annexure-G, S. No. 17
5.	All Public Account Committee Reports on the Hirakud Dam Project.	State of Odisha	All Public Account Committee Reports on the Hirakud Dam Project, except 11th Report, since the same has been received.	I.A. NO. 7/2020, Annexure-G, S. No. 18
6.	Report of the Mahanadi basin prepared by the system Engineering unit/	State of Odisha	Complete Report of the Mahanadi basin prepared by the	I.A. NO. 7/2020, Annexure-G, S. No. 20

SCHEDULE-II

	Basin Planning and Management Organization (BPMO) since inception of Hirakud Dam 1947.		system Engineering unit/ Basin Planning and Management Organization (BPMO) since inception of Hirakud Dam 1947, since pages are missing in the report received in volume-I, II, III, IV & V (5 Volumes).	
7.	All Public Accounts Committee Reports on the Hirakud Dam Project from Report 1 onwards particularly Reports 1 to 7 and thereafter:	State of Chhattisgarh	Only 6 th and 11 th Public Accounts Committee Reports on the Hirakud Dam Project have been furnished by CWC. Rest of the Public Accounts Committee Reports are awaited.	Enclosure X-1, pages 1-16 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
8.	Daily G&D data of all stations in Mahanadi basin from inception to 2019:	State of Chhattisgarh	As given in 5(1), (2) and (3) sent in next reference	Enclosure X-1, pages 1-16 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh

SCHEDULE-II

				to the Registrar.
9(1)	<p>The office of Chief Engineer (MERO), CWC, GoI, Bhubneshwar has supplied the daily gauge and discharge data of 25 stations in Mahanadi basin since 1971-12 to 2018-19. There are 58 river gauging sites according to water year book June 17-May 18 of Mahanadi Basin published by MERO, CWC. The data at gauge only site needs to be supplied with suitable methodology of conversion to discharge like G&D curve as revised time to time</p>	State of Chhattisgarh	<p>1. Gauge data of 30 stations submitted MERO, CWC letter dated 03.09.2020 (Annexure-F) is not received.</p> <p>Letter dated 03.09.2020 and Pen Drive not received from CWC. The existence of such letter came to be known by e mail dated 5.1.2011 by CWC</p> <p>2. It is also to note that CWC has stated that G& D curve of these sites is not available.</p>	<p>Enclosure X-1, pages 1-16 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.</p>
9(2)	<p>The data from inception of sites used in planning and operation of the Hirakud Dam needs to be furnished as indicated below:</p> <p>(a) Observation of river flow was started in 1947, first at</p>		<p>1. Gauge and Discharge Data at the Upstream of the reservoir comprising of 30 nos. G&D sites maintained by the CWC and 8 no. maintained by the Hirakud Dam</p>	<p>Enclosure X-1, pages 1-16 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.</p>

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<p><i>Sambalpur, 8 miles below Hirakud and later at the new Mahanadi Bridge below Hirakud (Source: page 6"A report by the Study Group on Irrigation and Power of the National Planning council", 1967 as published by Planning commission.</i></p> <p><i>(b) From July 1946, discharges were observed at Khairmundi (8 km upstream of Naraj) and at Sambalpur. (Source: Report August 1967 as in (a)above)</i></p> <p><i>(c) For the purpose of reservoir operation, in view of flood control, the data of rainfall and river flow received at Hirakud (6 stations above the Hirakud Dam was operating since 1957)(Source: page</i></p>	<p>Authority, has not been furnished.</p>
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	<p>13 report August 1967 as in (a) above</p> <p>(d) The G&D data upstream CWC sites and Hirakud Authority site has not been provided in framing the hydrology for the additional spillway of Hirakud Dam, there is specific mentioned asunder:</p> <p>"In the process, Gauge and Discharge Data at the Upstream of the reservoir comprising of 30 nos, G&D sites maintained by the CWC and 8 no. maintained by the Hirakud Dam Authority have been take into account." (EIA/EMP Report for Additional spillway of Hirakud Dam 2016, page no.C2-9)</p>			
9(3)	Following data are likely to be with CWC as a repository of successor organization of CWINC and		Not furnished by CWC	EnclosureX-1, pages 1-16 to the letter dated January 13, 2021 from the learned

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<p><i>CWP&C and Hirakud Dam Authority (in which Chairman, Central Water Power Irrigation and Navigation Commission was a member) which were the lead organization in planning, designing and construction of the project which needs to be provided</i></p> <p><i>(a) The data of the Mahanadi Basin used in DPR of the Hirakud Dam Project have not been provided.</i></p> <p><i>(b) The data used in subsequent evaluation report in performance of Hirakud.</i></p> <p><i>(c) Further flood studies conducted by the CWC while taking cognizance of all previous flood storms based on these G&D sites.</i></p> <p><i>(d) CWC as a repository of successor organization of CWINC and CWP&C and Hirakud Dam Authority (in which Chairman, Central Water Power Irrigation and</i></p>			<p>Counsel for the State of Chhattisgarh to the Registrar of this Tribunal.</p>
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	<i>Navigation Commission was the Member) which were the lead organizations in planning, designing and construction of the project.</i>			
10.	DPR of TIKARPARA project submitted by the state of Odisha along with the technical appraisal report and all correspondence.	State of Chhattisgarh	<p>The two Reports Sl.no. 4a. Report on Estimate of TIKARPARA dam project, July-1954 by Chief Engineer, Hirakud dam project, Ministry of irrigation – Power, Govt. of India. and Sl.no. 4b. Project Report on TIKARPARA Hydro – electric scheme by Shri R.L. Narayan, Chief Engineer, Electricity Orissa, 1955.</p> <p>Department, Govt. of Orissa, have been furnished by CWC.</p> <p>It is obvious from the aforesaid</p>	EnclosureX-1, pages 1-16 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.

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			Reports on Estimates pertaining to various components of Tikerpara Dam that the DPR was also subject matter of scrutiny by CWC. Copies of the DPR should therefore be available with CWC and State of Odisha which may be furnished to the Hon'ble Tribunal.	
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Status of TAC Notes and DPR's from CWC**Table-1**

S.No.	Description	Remarks
1.	List of Projects of Chhattisgarh (TAC notes) - (List-1)	1. 17 Projects TAC Notes are available 2. 24 Projects TAC Notes are not available
2.	Projects of Chhattisgarh (DPR Status) - (List-2)	1. 17 Projects DPR Status are available
3.	List of Projects of Odisha (TAC Notes)	1. 33 Projects TAC Notes are available 2. 14 Projects TAC Notes have not been furnished
4.	Projects of Odisha (DPR Status)	1. 28 Projects DPR Status are available
5.	List of DPR's of Projects under Mahanadi Basin in M&A, Dte, CWC, Bhubaneswar	1. 15 Projects DPR Status are available

Table-2

S.No.	Project Name	Major/ Medium	Status of DPR Availability	Status of TAC Note Availability
1	Bagh Barrage Medium Irrigation Project	Medium		58th TAC
2	Birupa Ghunghuti Island Medium Irrigation Project	Medium	Not furnished	39th TAC
3	Dalak (Hadua) Medium Irrigation Project	Medium		76th TAC
4	Hariharjore Medium Irrigation Project	Medium	Not furnished	6th TAC

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5	Jharabandha Medium Irrigation Project	Medium	Not furnished	1th TAC
6	Kuanria Medium Irrigation Project	Medium	Not furnished	4th TAC
7	Ret Irrigation Project	Major		71th TAC
8	Lower Suktel Major Irrigation Project	Major	Not furnished	66th, 101 (revised) TAC
9	Mahanadi Birupa Barrage Major Irrigation Project	Major	Not furnished	38 & 39th TAC
10	Mahanadi Chitrotpola Major Irrigation Project	Major	Not furnished	93rd TAC
11	Manjore Medium Irrigation Project	Medium		50th TAC
12	Naraj Barrage Major Irrigation Project	Major	Not furnished	50th and 54th TAC
13	Ong Dam Project	Medium	Not furnished	74th TAC
14	Improvement to Salki Irrigation Project	Major	Not furnished	74th TAC
15	Talsara Medium Irrigation Project	Medium	Not furnished	1st TAC
16	Titilagarh Stage - II Medium Irrigation Project	Medium		50th TAC
17	Telengiri Major Irrigation Project	Major	Not furnished	71st & 101 TAC
18	Upper Suktel Medium Irrigation Project	Medium	Not furnished	5th TAC
19	Sarapgarh Irrigation Project	Medium	Not furnished	1st TAC
20	Sunder Irrigation Project	Medium	Not furnished	38th TAC
21	Upper Kolab Irrigation Project (Extension)	Major	Not furnished	56th & 71st TAC
22	Sapua Medium Irrigation Project	Medium	Not furnished	58th TAC (Revised)
23	Orissa Water Resources Consolidation Project	Major	Not furnished	62th TAC
24	Dhauragoth Irrigation Project	Medium		68th TAC
25	Ranjore Dam	Medium		Not furnished
26	Upper Indravati Irrigation Project	Major	Not furnished	70th TAC
27	Upper Kolab Irrigation Project (Extension)	NA	Not furnished	56th TAC

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28	Upper Kolab Irrigation Project -Extension of Ayacut at 14.3 km of Jypore Main Canal (Nawarangpur Branch Canal)	Major	Not furnished	71st TAC
29	Upper Lanth Irrigation Project	Medium		73rd TAC
30	Improvement to Salki Irrigation Project	Major	Not furnished	74th TAC
31	Improvement to Sason Canal System	Major	Not furnished	74th TAC
32	Brutang Irrigation Project	Major	Not furnished	75th TAC
33	IB Irrigation Project	Major	Not furnished	80th TAC
34	Improvement of Taladanda Main Canal Project (ERM)	Major	Only compliance to the observations on DPR has been furnished. The DPR has not been furnished.	93rd TAC
35	Orissa Integrated Irrigated Agriculture and Water Management Investment Programme (OIAWMIP)- Tranch-I	New-ERM	Not furnished	93rd TAC
36	Orissa Integrated Irrigated Agriculture and Water Management Investment Programme (OIAWMIP)- Tranch-II	New-ERM	Not furnished	113th TAC
37	Upper Indravati Irrigation Project	NA	Not furnished	70th TAC
38	Lift Canal System of Upper Indravati Irrigation Project	Major-New	Not furnished	119th TAC
39	Tel Integrated Multipurpose Project	Major	Not furnished	Not furnished
40	Lower Indra Project	Major	Only 3rd RCE + General Report & RCE unit I have been furnished.	98th-RCE, 119th TAC
41	Upper Udanti Barrage Project	NA	Revised DPR	Not furnished

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42	Improvement of HCL - Range 1 and its Distributry System	Major	DPR, Brief Report	Not furnished
43	Bheden Irrigation Project	NA	Only Feasibility Report has been furnished. The DPR not furnished.	Not furnished
44	Mahanadi Reservoir Project	NA	Only Report & General abstract have been furnished.	Not furnished
45	Renovation & Moderzation of Mahanadi Canal	NA	Only estimate (Volume I/II) has been furnished.	Not furnished
46	Improvement of Pattammundei canal Project	NA	Not furnished	Not furnished
47	Improvement of Machgaon Canal	NA	Not furnished	Not furnished
48	Kusumi D/W	Medium		Not furnished
49	Sandul Barrage	Medium		Not furnished
50	Aheerajore Barrage	Medium		Not furnished
51	Jeera Dam	Medium		Not furnished
52	Kutulisinga Dam	Medium		Not furnished
53	Laxmipathar Dam	Medium		Not furnished
54	Lower Suktel Major Irrigation Project (Revised)	Major	Not furnished	101th TAC
55	Ret Medium Irrigation Project	Medium-Revised	Not furnished	119th TAC

Table-3

ABSTRACT	
S.No.	Project
1	Total Medium Project - 24

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2	Total Major Project - 21
3	New ERM - 2
4	No Classification - 8
Status of DPR Availability	
1	Available DPR - 20
2	Available FR/PR -7
3	Not Available - 28
Status of TAC Note Availability	
1	Available - 40
2	Not Available - 15

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STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, CHHATTISGARH (SEIAA)				
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	DEFICIENCY	REFERENCE
1.	<p>Environment clearance issued on various projects on different sectors (as given below) in Mahanadi Basin since enactment of Environment Impact Assessment Notification, 2006.</p> <ol style="list-style-type: none"> 1) Kudri Barrage 2) Rajiv Samoda Nisda Diversion Project Phase-II 3) Kelo Project 4) Arpa Bhaisajore Barrage Project 5) Sondur Project 6) Mongra Barrage Phase-II 7) Sukanalla Barrage 8) Ghumariyanalla Barrage 9) Sutyapat Medium Project 10) Samoda Barrage 11) Amethi Anicut 12) Hardi-2 Anicut 13) Pandria Anicut 14) Tarasiv Anicut 15) Seorinarayan Barrage 16) Taleddeori Anicut 17) Sonthi Anicut 18) Satigudi Anicut 19) Kudurmal Anicut 20) Basantpur Barrage 21) Mironi Barrage 	State of Odisha	<p>Environment clearance issued on the following projects on different sectors (as given below) in Mahanadi Basin since enactment of Environment Impact Assessment Notification, 2006: -</p> <p>Kudri Barrage, Rajiv Samoda Nisda Diversion Project Phase-II, Kelo Project, Arpa Bhaisajore Barrage Project, Sondur Project, Ghumariyanalla Barrage, Sutyapat Medium Project, Amethi Anicut, Hardi-2 Anicut, Pandria Anicut, Tarasiv Anicut, Taleddeori Anicut, Sonthi Anicut, Satigudi Anicut, Kudurmal Anicut, Tila Anicut, Rawar Anicut, Rajim Anicut, Khatti</p>	<p>I.A. NO. 7/2020, Annexure-G, S. No. 42 (38 to 74)</p>

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22) Saradihi Barrage 23) Kalma Barrage 24) Tila Anicut 25) Rawar Anicut 26) Rajim Anicut 27) Khatti Anicut 28) Megha Anicut 29) Dongapathar Anicut 30) Amaldih Anicut 31) Pasid Anicut 32) Motimpur Anicut 33) Kodwakoni Anicut 34) Semriya Anicut 35) Chakraway Tuma Anicut 36) Tiwariya Anicut 37) All Industrial Projects in Mahanadi Basin in Chhattisgarh	Anicut, Megha Anicut, Dongapathar Anicut, Amaldih Anicut, Pasid Anicut, Motimpur Anicut, Kodwakoni Anicut, Semriya Anicut, Chakraway Tuma Anicut, Tiwariya Anicut and all other industrial projects in Mahanadi basin in Chhattisgarh which may not be part of the list except Mongra Barrage Phase-II, Sukanalla Barrage, Samoda Barrage, Seorinarayan Barrage, Basantpur Barrage, Mironi Barrage, Saradihi Barrage, Kalma Barrage, since the same has been received.
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INDIAN METEOROLOGICAL DEPARTMENT (IMD)				
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	DEFICIENCY	REFERENCE
1.	1. Point rainfall data of all the stations in the entire Mahanadi basin and also the stations outside the basin but near to it and which may influence the rainfall estimate in Mahanadi in the grid of latitude 19 degree to 24 degree and longitude 80 degree to 87 degree for the period 1901 to 2019.	State of Chhattisgarh	The data provided by IMD is in text file. However, the lat long in the text file are truncated to whole numbers only. It is difficult to relate the stations to those mentioned by IMD in automated form. It is also difficult to match them by their names manually because of large number.	Enclosure X-2, pages 17-18 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
2.	Observed rainfall of all the stations maintained by IMD in Mahanadi Basin.		Same as point No. 1	Enclosure X-2, pages 17-18 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.

CENTRAL GROUND WATER BOARD (CGWB)				
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	DEFICIENCY	REFERENCE
1	CGWB observation wells and locations in the entire Mahanadi basin including Chhattisgarh, Odisha, Maharashtra and Jharkhand since the inception of the Hirakud Dam in 1953. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
2	CWGB water level data and CWGB water quality data since the inception of the Hirakud Dam in 1953 for the entire Mahanadi basin. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand	State of Chhattisgarh	<ul style="list-style-type: none"> The data provided by CGWB does not include the Reduce Level (R.L.) and Measuring Point (M.P.) of all National Hydrograph Stations (NHS) and Piezometers (Pz) for Chhattisgarh, Odisha, Madhya Pradesh, 	Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.

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			<p>Maharashtra and Jharkhand. These data sets are standard CGWB data, which have not been provided.</p> <ul style="list-style-type: none"> • Following information in respect of the state of Chhattisgarh have not been provided along with the water level data: <p>Tehsil name, Village name, site type, sub-basin name, project name, aquifer type, well depth are standard CGWB data sets and have not been provided</p> <ul style="list-style-type: none"> • CGWB's Water quality data is incomplete in respect of all the years for which the data have been furnished 	
3	All Reports of the Mahanadi basin prepared by the "Systems Engineering Unit"/BPMO since the	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned

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	inception of the Hirakud Dam in 1953. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand			Counsel for the State of Chhattisgarh to the Registrar.
4.	All Annual Reports of assessment of groundwater in the Mahanadi basin. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand	State of Chhattisgarh	<ul style="list-style-type: none"> The report "Dynamic Ground Water Resource- 1999" in respect of the states of Chhattisgarh, Madhya Pradesh, Maharashtra, Jharkhand have not been provided. For the state of Odisha, data pertaining to Rainfall recharge (monsoon and non-monsoon), Recharge from other sources (monsoon and non-monsoon), Total Annual recharge, Natural discharge and Net Groundwater Availability - identical figures have been furnished only for the 	Enclosure X- 3, pages 19- 57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.

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			<p>years 2009, 2011, 2013.</p> <p>Data pertaining to other years have not been furnished.</p> <ul style="list-style-type: none"> • For the state of Odisha, the dynamic ground water resource of Tentulikhunti block of Balangir district have not been provided for any of the years. • Resource data of 2004,2009,2011, 2013 and 2017 have not been provided in respect of a) Lanji block of Balaghat district Madhya Pradesh and b) Salekasa and Deori blocks of Gondia district, Maharashtra • Dynamic Ground Water Resource data (2004,2009,2011,2013 and 2017) provided for the Gadchiroli 	
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			<p>district of Maharashtra is incomplete (blocks names are not clear) and not detailed (total recharge is given but values are not separated as rainfall recharge and other recharge, monsoon and non-monsoon recharge. Same gaps have been found in the data supplied on groundwater draft. Natural discharge value is also missing.</p> <ul style="list-style-type: none">• Dynamic Ground Water Resource data (2004,2009,2011 &2013) provided on Bolba and Kurdeg blocks of Simdega district, Jharkhand are incomplete (blocks names are not clear) and not detailed (total recharge is given but values are not separated into rainfall recharge and	
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			<p>other recharge, monsoon and non-monsoon recharge. Same for groundwater draft also. Natural discharge value is also missing.</p> <p>For the state of Jharkhand, data in respect of Rainfall recharge (monsoon and non-monsoon), Recharge from other sources (monsoon and non-monsoon), Total Annual recharge, Natural discharge and Net Groundwater Availability are missing for the years 2004, 2009 and 2013.</p>	
5.	<p>All reports on groundwater studies carried out by CGWB in the Mahanadi Basin since the inception of the dam in 1953.</p> <p>A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand</p>	State of Chhattisgarh	<p>No additional data has been provided for the State of Maharashtra</p>	<p>Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.</p>

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6	All hydrogeological exploration studies and drilling data carried out in the Mahanadi Basin since 1953 by CGWB. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
7	All pumping test and other aquifer characterization datasets in the Mahanadi Basin since 1953 by CGWB. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
8	All hydrogeological exploration reports including detailed drilling logs of Mahanadi Delta region since 1953 by CGWB.	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
9	All pumping test data	State of Chhattisgarh		Enclosure X-3, pages 19-

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	reports and data carried out by CGWB in the Mahanadi Delta region to characterize the aquifers by CGWB.			57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
10	All reports and data to carry out an understanding of Static or Stock Water of Mahanadi Basin by CGWB since 1953. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand	State of Chhattisgarh	Report and data on static water resource of Chhattisgarh, Madhya Pradesh, Maharashtra and Jharkhand have not been provided.	Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
11	All reports and data to carry out an understanding of Static or Stock Water of Mahanadi Delta region by CGWB since 1953.	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
12	All groundwater recharge study reports and data carried out by CGWB in the Mahanadi Basin by CGWB since 1953.	State of Chhattisgarh	No report on demonstrative projects or study reports on Artificial Recharge Studies within the state of Chhattisgarh, Madhya Pradesh, Maharashtra and	Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh

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	A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand		Jharkhand have been provided.	to the Registrar.
13	All saltwater incursion studies with data and reports carried out by CGWB in the Mahanadi Basin by CGWB since 1953.	State of Chhattisgarh	Report on Submarine discharge assessment of Mahanadi basin, a study carried out by CGWB, has not been provided.	Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
14	All surface geophysics and downhole geophysical data and reports carried out by CGWB in the Mahanadi Basin by CGWB since 1953. A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
15	All dynamic water resource assessments data and report of the Mahanadi Basin carried out by CGWB	State of Chhattisgarh	• Dynamic Ground Water Resource-1999 report for Chhattisgarh, Madhya Pradesh,	Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned

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	<p>in the Mahanadi Basin since 1953.</p> <p>A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand</p>		<p>Maharashtra, Jharkhand have not been provided.</p> <ul style="list-style-type: none">• For the state of Odisha, data for Rainfall recharge (monsoon and non-monsoon), Recharge from other sources (monsoon and non-monsoon), Total Annual recharge, Natural discharge and Net Groundwater Availability are identical for 2009, 2011, 2013. This appears to be an erroneous data• For the state of Odisha, Dynamic Ground Water Resource of Tentulikhunti block of Balangir district have not been provided for all years.• Resource data of 2004, 2009, 2011, 2013 and 2017 have not been provided	<p>Counsel for the State of Chhattisgarh to the Registrar.</p>
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			<p>for a) Lanji block of Balaghat district, Madhya Pradesh and b) Salekasa and Deori blocks of Gondia district, Maharashtra</p> <ul style="list-style-type: none">• Dynamic Ground Water Resource data (2004,2009,20 11,2013 and 2017) provided on Gadchiroli district of Maharashtra is incomplete (blocks names are not clear) and not detailed (total recharge is given but values are not separated in rainfall recharge and other recharge, monsoon and non-monsoon recharge. Same for groundwater draft also. Natural discharge value is also missing.• Dynamic Ground Water Resource data (2004,2009,20 11 & 2013)	
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			<p>provided on Bolba and Kurdeg blocks of Simdega district, Jharkhand is incomplete (blocks names are not clear) and not detailed (total recharge is given but values are not separated into rainfall recharge and other recharge, monsoon and non-monsoon recharge. Same for groundwater draft also. Natural discharge value is also missing).</p> <p>For the state of Jharkhand, data for Rainfall recharge (monsoon and non-monsoon), Recharge from other sources (monsoon and non-monsoon), Total Annual recharge, Natural discharge and Net Groundwater Availability are missing for 2004, 2009 and 2013.</p>	
16	All administrative	State of	<ul style="list-style-type: none"> Dynamic 	Enclosure X-

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	<p>block-wise groundwater abstraction data by agriculture, industry and domestic use used for calculation of groundwater development in the Mahanadi Basin and Mahanadi Delta region.</p> <p>A) Chhattisgarh B) Odisha C) Madhya Pradesh D) Maharashtra E) Jharkhand</p>	Chhattisgarh	<p>Ground Water Resource-1999 report for Chhattisgarh, Madhya Pradesh, Maharashtra, Jharkhand have not been provided.</p> <ul style="list-style-type: none"> • For the state of Odisha, data for Rainfall recharge (monsoon and non-monsoon), Recharge from other sources (monsoon and non-monsoon), Total Annual recharge, Natural discharge and Net Groundwater Availability are identical for 2009, 2011, 2013. The data appears to be incorrect. • For the state of Odisha, Dynamic Ground Water Resource of Tentulikhunti block of Balangir district have not been provided for all years. 	<p>3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.</p>
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			<ul style="list-style-type: none">• Resource data of 2004, 2009, 2011, 2013 and 2017 have not been provided for a) Lanji block of Balaghat district, Madhya Pradesh b) Salekasa and Deori blocks of Gondia district, Maharashtra• Dynamic Ground Water Resource data (2004, 2009, 2011, 2013 and 2017) provided on Gadchiroli district of Maharashtra is incomplete (blocks names are not clear) and not detailed (total recharge is given but values are not separated in rainfall recharge and other recharge, monsoon and non-monsoon recharge. Same for groundwater draft also. Natural discharge value is also missing.	
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			<ul style="list-style-type: none"> • Dynamic Ground Water Resource data (2004,2009,2011 & 2013) provided on Bolba and Kurdeg blocks of Simdega district, Jharkhand is incomplete (blocks names are not clear) and not detailed (total recharge is given but values are not separated into rainfall recharge and other recharge, monsoon and non-monsoon recharge. Same for groundwater draft also. Natural discharge value is also missing). • For the state of Jharkhand, data for Rainfall recharge (monsoon and non-monsoon), Recharge from other sources (monsoon and non-monsoon), Total Annual recharge, Natural 	
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			discharge and Net Groundwater Availability are missing for 2004, 2009 and 2013.	
17	Ground Water Assessment studies report of Mahanadi Basin/sub-basin since 1950 in parts of Chhattisgarh and Odisha. Also, Ground water assessment studies of entire Chhattisgarh and Odisha State. A) Chhattisgarh B) Odisha	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
18	Assessment of ground water utilization reports of Mahanadi basin in Odisha and Chhattisgarh. Also, Assessment of ground water utilization reports of entire Chhattisgarh and Odisha States. A) Chhattisgarh B) Odisha	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
19	Historical Water level data of CGWB monitored wells established so far in Mahanadi basin in Chhattisgarh and in parts of State of Odisha. Also historical water level data of CGWB monitoring wells of entire Chhattisgarh and	State of Chhattisgarh	<ul style="list-style-type: none"> The data provided by CGWB does not contain the Reduce Level (R.L.) and Measuring Point (M.P.) of all National Hydrograph Stations (NHS) and 	Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.

SCHEDULE-II

	Odisha and State. A) Chhattisgarh B) Odisha		<p>Piezometers (Pz) for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra and Jharkhand. Collection of which is a standard CGWB norm.</p> <ul style="list-style-type: none"> For the state of Chhattisgarh following information have not been provided along with the observation wells data by the CGWB: Tehsil name, Village name, site type, sub-basin name, project name, aquifer type, well depth. CGWB's Water quality data is incomplete all the for the years for which the data have been shared by CGWB 	
20	Ground water quality of CGWB monitored wells (dug well for Phreatic aquifer /	State of Chhattisgarh	<ul style="list-style-type: none"> The data provided by CGWB does not contain the 	Enclosure X-3, pages 19-57 to the letter dated

SCHEDULE-II

	<p>borewell / Piezometers / Exploration well data) in Mahanadi basin in Chhattisgarh and in the State of Odisha as well. Also, the Ground water quality of CGWB monitoring wells for entire Chhattisgarh and Odisha State.</p> <p>A) Chhattisgarh B) Odisha</p>		<p>Reduce Level (R.L.) and Measuring Point (M.P.) of all National Hydrograph Stations (NHS) and Piezometers (Pz) for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra and Jharkhand. Collection of which is a standard CGWB norm.</p> <ul style="list-style-type: none"> For the state of Chhattisgarh following information have not been provided along with the observation wells data by the CGWB: <p>Tehsil name, Village name, site type, sub-basin name, project name, aquifer type, well depth.</p> <ul style="list-style-type: none"> CGWB's Water quality data are incomplete for all the years for which the data have been shared by 	<p>January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.</p>
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SCHEDULE-II

			CGWB	
21	Recent block wise ground water assessment of Mahanadi basin in Odisha and Chhattisgarh (2017 Estimation). Also, the recent block wise the ground water assessment of entire Chhattisgarh and Odisha State. A) Chhattisgarh B) Odisha	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
22	Changes in the Ground water regime in Mahanadi basin in Odisha and Chhattisgarh from year 2000 and onwards annually. A) Chhattisgarh B) Odisha	State of Chhattisgarh		Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.
23	Ground water study report of Mahanadi Delta (Quality, Quantity, Draft and its limitations) with			Enclosure X-3, pages 19-57 to the letter dated January 13, 2021 from the learned

SCHEDULE-II

	reference to Saline water ingress.			Counsel for the State of Chhattisgarh to the Registrar.
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SCHEDULE-I

**CONSOLIDATED LIST OF DATA/DOCUMENT/INFORMATION NOT RECEIVED
(AS REQUISITIONED)/FURTHER SOUGHT FROM VARIOUS CENTRAL/STATE
AGENCIES BY STATE OF ODISHA AND STATE OF CHHATTISGARH VIDE I.A.
NO. 7/2020 R/W SHORT AFFIDAVIT IN I.A. NO. 7/2020, I.A. NO. 11 OF 2020 R/W
LETTER DATED 13.01.2021, IA No. 13/2020 AND IA No. 14/2021
RESPECTIVELY**

MINISTRY OF JAL SHAKTI, DEPARTMENT OF WATER RESOURCES, RD&GR			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Project wise detail utilization in Mahanadi Basin. (requisitioned earlier, but not received)	State of Odisha	I.A. No. 7/2020 in Annexure-G at S. No. 10

SCHEDULE-I

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (MoEF& CC)			
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	<p>Environment clearance status of Major and Medium Projects in Odisha part of Mahanadi basin. The following is the list of projects:</p> <ol style="list-style-type: none">1. Birupa Ghunghuti Island Irrigation2. Kharkhara (Upper Jonk Extn.)3. Bagh Barrage Project4. Titlagarh Irrigation Project5. Manjore Irrigation Project6. Rajua Irrigation Project7. Salia Extn.8. Budhabudhiani Extn.9. Sunder Extn.10. Dumerbahal Extn.11. Gobardhanpur Barrage12. Ret13. Dalak (Hadua)14. Improvement to sason canal15. Improvement to Salki Project16. Improvement to Road to Saradhapur Kanjabadi17. Samandal main canal (Salia Extn.)18. Ong Extn.19. Extension of Mahanadi Delta System20. Upper Sutkel21. Kuania22. Creek Irrigation Project <p><i>(requisitioned earlier, but not received)</i></p>	State of Chhattisgarh	Enclosure X-4, pages 58-59 to the letter dated January 13, 2021 from the learned Counsel for the State of Chhattisgarh to the Registrar.

CENTRAL WATER COMMISSION (CWC)			
S. NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Project wise detail utilization in Mahanadi Basin. <i>(requisitioned earlier, but not received)</i>	State of Odisha	I.A. No. 7/2020 in Annexure-G at S.No. 21
2.	Climatological information such as mean rainfall, mean monthly air temperature, mean monthly relative humidity, mean monthly wind speed, mean monthly cloud amount, mean monthly sunshine hours and mean monthly Pan evaporation data, etc. of different observatories inside Mahanadi basin since inception till date. <i>(requisitioned earlier, but not received)</i>	State of Odisha	I.A. No. 7/2020 in Annexure-G at S.No. 22
3.	Working procedure/ guidelines on observing station data and processing procedures. <i>(requisitioned earlier, but not received)</i>	State of Odisha	I.A. No. 7/2020 in Annexure-G at S.No. 23
4.	Emergency Action Plans for reservoirs in Chhattisgarh monitored by CWC in Mahanadi basin.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 1
5.	Water level depletion policy of CWC for Major reservoirs in Chhattisgarh of Mahanadi basin.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 2
6.	Water Year Book, Sediment Year Book, Water Quality Year Book, and Meteorology Year Book of Mahanadi Basin published by Central Water Commission since inception till the latest publication.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 3

SCHEDULE-I

	Flood forecasting models adopted by CWC for important reservoirs monitored by CWC in Mahanadi Basin.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 4
8.	Details of Real Time Flood Inundation Modeling developed by Central Water Commission and results of the models for Mahanadi basin for every year's maximum discharge observation in stations upstream of Hirakud dam.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 5
9.	Danger Levels and Warning levels of flood/inflow forecasting sites in the Upstream of Hirakud Dam in Mahanadi basin.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 6
10.	Reports PMF/ Design flood studies carried out/appraised on major reservoirs of Chhattisgarh in Mahanadi Basin and adequacy of spillway or for design of flood protection works	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 7
11.	Reports on Assessment of Flood prone areas in Mahanadi basin and flood plain atlas of Mahanadi basin.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 8
12.	Pre-Monsoon and Post-Monsoon River cross sections at gauge and gauge discharge measurement sites maintained by CWC from inception till date in Mahanadi Basin.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 9
13.	Daily silt measurement at sediment measurement sites in Mahanadi Basin since inception till date	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 10

SCHEDULE-I

	Available Water Quality data of water quality measurement stations in Mahanadi Basin since inception till date	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 11
15.	Command Area map of major and medium projects of Chhattisgarh in Mahanadi Basin (in polygon vector file format)	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 12
16.	Revised Detailed Project, 1952 of Hirakud Dam Project including revision or updation in any parts/volumes of previous DPRs.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (i)
17.	Three largest peak floods of every year, and for as many years as available (from their inception to 2020), in cumecs, at the following locations: a. Seorinarayan G&D site b. Basantpur G&D site c. Tikarpara G&D site d. Boudh G&D site	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (ii)
18.	Flood forecasting model adopted for operation of Hirakud Dam.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (iii)
19.	Notifications (Bulletins) for flood forecast monitoring in Mahanadi basin for years 1958 onwards till 2020.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (iv)
20.	Water level depletion Policy for Hirakud Dam during the alarming situation of heavy rainfall.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (v)
21.	Pre intimation system for inflow and outflow from Hirakud Reservoir.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (vi)

SCHEDULE-I

	Bathymetric Survey data and report of Hirakud Dam.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (vii)
23.	Rating curves for sluices/ spillways for Hirakud Dam.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A, S.No. (viii)
24.	Geo-spatial data on Topographical characteristics (Stream Characteristics, contour line, of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand. <i>Date format - Tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A-1, S.No. (i)
25.	Geo-spatial data on topographical characteristics (Stream Characteristics, contour line, of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand. <i>Data format- Image format in (.img)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-A-1, S.No. (ii)
26.	Details of area flooded upstream and downstream of Hirakud Dam, separately, and consequent damages suffered in the Mahanadi Basin (State-wise) due to extreme floods experienced each year after the commissioning of Hirakud Dam.		
27.	Details of inter-State meetings held in the run up to preparation of DPR of Hirakud Project and observations of different party States		
28.	Record of exchange of DPR of Hirakud Project with other party-States and their		

SCHEDULE-I

	observations		
29.	Details of hydrological studies undertaken in preparation of DPR of Hirakud Project and studies undertaken, if any, for assessing the water demand of upper riparian States.		

SCHEDULE-I

THE INDIAN METEOROLOGICAL DEPARTMENT (IMD)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Daily Pan Evaporation data measured by IMD in Mahanadi Basin since inception till date.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 13
2.	Daily Weather data like Maximum Temp, Minimum Temp, Mean Daily Temp., Sunshine Duration, Maximum Relative Humidity, Minimum Relative Humidity, Wind Speed, Atmospheric Pressure, Rainfall, Duration of Rainfall, Maximum Rainfall intensity, Soil Temperature.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 14
3.	Geo-spatial data/document/information on air temperature characteristics for the part of Mahanadi basin at an interval of 30 days starting from 1985 to 2020 for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand. <i>Data format- Tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (i)
4.	Geo-spatial data/document/information on relative humidity in the part of Mahanadi basin relative humidity in the part of Mahanadi basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Data format- Tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (ii)
5.	Geo-spatial data/document/information on evapo-transpiration in the part of Mahanadi basin at an interval of 30 days starting from 1985 to 2020 for Chhattisgarh, Odisha, Madhya	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (iii)

SCHEDULE-I

	Pradesh, Maharashtra & Jharkhand. <i>Data format- Tagged image file in the format (.tiff)</i>		
6.	Geo-spatial data/document/information on soil temperature characteristics for the part of Mahanadi basin at an interval of every year starting from 1985 to 2019 for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand. <i>Data format- Tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (iv)
7.	Geo-spatial data/document/information on daily maximum and minimum temperatures of all IMD stations falling in Mahanadi basin for the period 1985-2019. <i>Data format- EXCEL Format</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (v)
8.	Geo-spatial data/document/information on daily maximum and minimum relative humidity data of all IMD stations falling in Mahanadi basin for the period 1985-2019. <i>Data format- EXCEL Format</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (vi)
9.	Geo-spatial data/document/information on daily wind speed data of all IMD stations falling in Mahanadi basin for the period 1985-2019. <i>Data format- EXCEL Format</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (vii)
10.	Geo-spatial data/document/information on daily hours of bright sunshine data of all IMD stations falling in Mahanadi basin for the period 1985-2019. <i>Data format- EXCEL Format</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (viii)

SCHEDULE-I

11.	Geo-spatial data/document/information on daily open pan evaporation data of all IMD stations falling in Mahanadi basin for the period 1985-2019. <i>Data format- EXCEL Format</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-F, S.No. (ix)
12.	Year Wise details of Withdrawal of Monsoon from different regions of Mahanadi Basin for the period 1901-2019		

SCHEDULE-I

INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES (INCOIS)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Information on Tide gauges at the Mouth of Mahanadi (Paradeep) (like opening and closing dates, data since inception till date)	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 15

SCHEDULE-I

CENTRAL INLAND FISHERIES RESEARCH INSTITUTE (CIFRI)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	All published reports on fish & Fisheries of Mahanadi River.	State of Odisha	I.A. No. 14/2021, Annexure-A, S. No. 16

SCHEDULE-I

THE SURVEY OF INDIA (SOI)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	District and Block Maps (Geo-referenced vector shape file format) of Odisha, Chhattisgarh, Maharashtra, Madhya Pradesh and Jharkhand.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 17
2.	Geo-spatial data/document/information on topographical characteristics (stream characteristics contour line, of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Data format-tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-G, S.No. (i)
3.	Geo-spatial data/document/information on Topographical characteristics (stream characteristics contour line, of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Data format-Image file in the format (.img)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-G, S.No. (ii)

SCHEDULE-I

THE GEOLOGICAL SURVEY OF INDIA (GSI)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Geology Map (in 1:250,000 scale) of Mahanadi Basin in ".tiff" format	State of Odisha	I.A. NO. 14/2021, Annexure-A, S.No. 18
2.	Geomorphology (in 1:250,000 scale) of Mahanadi Basin in ".tiff" format	State of Odisha	I.A. NO. 14/2021, Annexure-A, S.No. 19

SCHEDULE-I

CENTRAL GROUND WATER BOARD (CGWB)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Specific yield, rainfall infiltration factor (formation wise) of Mahanadi Basin.	State of Odisha	I.A. No. 14/2021, Annexure-A, S.No. 20
2.	Report on Conjunctive Use studies (modelling study) of Hirakud Command Area (1972 onwards).	State of Chhattisgarh	I.A. No. 13/2020, Annexure-B, S.No. (i)
3.	Report on Sub-marine groundwater discharge assessment from Mahanadi basin (1972 onwards).	State of Chhattisgarh	I.A. No. 13/2020, Annexure-B, S.No. (ii)
4.	Report of Systematic study, Reappraisal study and Aquifer Mapping study performed within the Mahanadi basin (1972 onwards).	State of Chhattisgarh	I.A. No. 13/2020, Annexure-B, S. No. (iii)
5.	Report of Systematic study, Reappraisal study and Aquifer Mapping study of Hirakud command area (1972 onwards).	State of Chhattisgarh	I.A. No. 13/2020, Annexure-B, S. No. (iv)
6.	Basic Data Report (BDR) of exploration studies carried out within the Mahanadi basin area. (1972 onwards)	State of Chhattisgarh	I.A. No. 13/2020, Annexure-B, S. No. (v)
7.	Basic Data Report (BDR) of exploration studies carried out for Mahanadi Delta area (1972 onwards).	State of Chhattisgarh	I.A. No. 13/2020, Annexure-B, S. No. (vi)
8.	Information obtained from registered driller responsible for carrying out drilling within Mahanadi basin area on:	State of Chhattisgarh	I.A. No. 13/2020, Annexure-B, S. No. (vii)

SCHEDULE-I

	(a) Well Location & Depth (b) Drilling type (DTH or Rotary) (c) Zone encountered (d) Casing depth (e) Preliminary Yield test data (f) Well Development details		
9.	Report on Ground Water Assessment studies undertaken in Mahanadi Basin		
10.	Reports on yearly replenishable Ground Water Potential studies in the Mahanadi Basin		
11.	Reports related to studies undertaken on ground water utilisation in Mahanadi Basin and the likely impact of introduction of irrigation on ground water table		
12.	Geo-spatial data/document/ information on infiltration characteristics of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand (1: 50,000 scale)		
13.	Geo-spatial data/document/ information on ground water level of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand (1: 50,000 scale)		
CENTRAL GROUND WATER AGENCY (CGWA)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	List of all commercial & Industrial establishments in the Mahanadi Basin area	State of Chhattisgarh	I.A. No. 13/2020, Annexure-C,

SCHEDULE-I

	which have applied for obtaining NOC from CGWA for water abstraction since the year 2000, along with the annual compliance report including water level and water quality.		S.No. (i)
2.	List of all commercial & industrial establishments to which CGWA has granted NOC for water abstraction since the year 2000 within Mahanadi basin area.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-C, S.No. (ii)

SCHEDULE-I

NATIONAL BANK FOR AGRICULTURAL AND RURAL DEVELOPMENT (NABARD)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	List of loans distributed by NABARD for all water related development in the last two decades in districts falling within the Mahanadi Basin area.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-D, S. No. (i)

SCHEDULE-I

INDIAN COUNCIL OF AGRICULTURAL RESEARCH (ICAR)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Lists of drought prone and drought affected districts and blocks of each district pertaining to states of Chhattisgarh and Odisha from 1980 till 2020.	State of Chhattisgarh	I.A. No. 13/2020, Annexure-E, S.No. (i)

SCHEDULE-I

SOIL AND LAND USE SURVEY OF INDIA (SLUSI)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Geo-spatial data/document/information on topographical Characteristics (stream characteristics contour line, of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Data format-tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-H, S.No. (i)
2.	Geo-spatial data/document/information on topographical characteristics (stream characteristics contour line, of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Data format-Image file in the format (.img)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-H, S.No. (ii)
3.	Geo-spatial data/document/information on soil maps of the part of Mahanadi Basin for Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand (1: 50,000 scale)	State of Chhattisgarh	I.A. No. 13/2020, Annexure-H, S.No. (iii)
4.	Geo-spatial data/document/information on land use for the part of Mahanadi	State of Chhattisgarh	I.A. No. 13/2020, Annexure-H, S.No. (iv)

SCHEDULE-I

BUREAU OF SOIL SURVEY AND LAND USE PLANNING (NBSSLUP)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Soil maps of the Mahanadi Basin in Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand (1: 15,000; 1: 10,000 wherever special survey has been conducted)	State of Chhattisgarh	I.A. No. 13/2020, Annexure-I, S.No. (i)

SCHEDULE-I

NATIONAL REMOTE SENSING CENTRE (NRSC)			
S.NO.	REQUISITION PARTICULARS	SOUGHT BY	REFERENCE
1.	Geo-spatial data/document/information on land use in Mahanadi Basin at an interval of five years starting from 1985 to 2020 in respect of areas falling within the territories of the States of Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand. <i>Tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-J, S.No. (i)
2.	Geo-spatial data/document/information on extent of inundation (water bodies) in the Mahanadi Basin at an interval of 15 days starting from, 1985 to 2019 in respect of areas falling within the territories of the States of Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-J, S.No. (ii)
3.	Geo-spatial data/document/information on leaf areas in the Mahanadi basin at an interval of five years starting from 1985 to 2020 in respect of areas falling within the territories of the States of Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Data format- Tagged image file in the format (.tiff)</i>	State of Chhattisgarh	I.A. No. 13/2020, Annexure-J, S.No. (iii)
4.	Geo-spatial data/document/information on LIDAR derived products in the Mahanadi basin from 2000 till 2020	State of Chhattisgarh	I.A. No. 13/2020, Annexure-J, S.No. (iv)
5.	Geo-spatial data/document/information on soil	State of	I.A. No.

SCHEDULE-I

	temperature characteristics in the Mahanadi basin for each year from 1985 to 2020 in respect of areas falling within the territories of the States of Chhattisgarh, Odisha, Madhya Pradesh, Maharashtra & Jharkhand <i>Data format- Tagged image file in the format (.tiff)</i>	Chhattisgarh	13/2020, Annexure-J, S.No. (v)
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19(A)

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 13/2020 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for furnishing and production of data, information and documents by the non-applicants]

I.A. No. 14/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Odisha under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of

19(B)

data/document/information by Central Agencies such as the Central Water Commission (CWC), Indian Meteorological Department (IMD), the Indian National Centre for Ocean Information Services (INCOIS), the Central Inland Fisheries Research Institute (CIFRI), the Survey of India (SOI), the Geological Survey of India (GSI) and the Central Ground Water Board (CGWB)]

06.02.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 12.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Harish Salve, Sr. Adv.
Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Chunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Ajitesh Soni, Adv.
Ms. Arnav Behera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Eeswabara Das, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR
Mr. D.K. Samal, EIC, P&D

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

19(2)

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, SE-cum-OIC
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.

ORDER

Perused the Office Report dated 5.2.2021.

As suggested by learned counsel, the Registrar shall pursue with the concerned Departments, so as to expedite the requisitioned documents/information referred to in his letter dated 16.1.2021.

The Assessors may, in the meantime, finalize the format by incorporating the further inputs to be given by the State parties before 10.2.2021, to the extent possible. The updated draft format/chart be made over by the Registry to learned counsel for the State parties before 3.3.2021, through email.

19(D)

As regards the application for interim relief (I.A. No. 1/2018), Mr. Ganguli, learned senior counsel for the State of Chhattisgarh points out that recently an offer has been received from the State of Odisha, which is being examined and it will require at least two weeks' time to revert back on that subject.

As agreed, hearing is deferred till 13.3.2021 to be listed at 11.00 a.m. The parties have also agreed to submit a joint statement regarding timeline for proceeding with the main matter.

sd/-
..... J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/-
..... J.
(DR. RAVI RANJAN)
MEMBER

sd/-
..... J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy

Rajesh Kumar
Registrar



20(A)

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 13/2020 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for furnishing and production of data, information and documents by the non-applicants]

I.A. No. 14/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Odisha under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of

[Signature]
1

20(B)

data/document/information by Central Agencies such as the Central Water Commission (CWC), Indian Meteorological Department (IMD), the Indian National Centre for Ocean Information Services (INCOIS), the Central Inland Fisheries Research Institute (CIFRI), the Survey of India (SOI), the Geological Survey of India (GSI) and the Central Ground Water Board (CGWB)]

13.03.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE RAVI RANJAN

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

CHAIRMAN

MEMBER

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Gunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Ajitesh Soni, Adv.
Ms. Arnav Behera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Das, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR
Mr. D.K. Samal, EIC, P&D

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

20(c)

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, SE-cum-OIC
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.
Ms. Bhaswati Singh, Adv.

ORDER

Perused the Office Report dated 12.3.2021.

Learned counsel for all the State parties jointly request for one week's time to enable them to identify additional data, which may be necessary and to furnish list thereof to the Registrar.

Upon receipt of such request from the concerned State parties, the Registrar may forthwith send a requisition to the concerned Department (Central/State) to furnish the relevant data/information/documents preferably within three weeks from the date of receipt of such intimation.

The State parties have in principle approved the common format for collation of data, as prepared by the Assessors. They are

[Signature]

20(b)
free to make suggestions for improving the same after the additional data, as aforesaid, becomes available.

As regards interim relief(s) during the pendency of the proceedings, a joint request is made by learned counsel appearing for the State of Odisha and State of Chhattisgarh in particular, to defer the hearing thereon, as they are still exploring possibility of amicable interim arrangement to be adhered to by the concerned parties.

We accordingly defer the hearing of this matter till 10.4.2021 to be listed at 11.00 a.m.

J.
(A.M. KHANWILKAR)
CHAIRMAN

J.
(DR. RAVI RANJAN)
MEMBER

J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy



**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

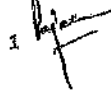
with

I.A. No. 13/2020 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for furnishing and production of data, information and documents by the non-applicants]

I.A. No. 14/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Odisha under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of

1 

21(B)

data/document/information by Central Agencies such as the Central Water Commission (CWC), Indian Meteorological Department (IMD), the Indian National Centre for Ocean Information Services (INCOIS), the Central Inland Fisheries Research Institute (CIFRI), the Survey of India (SOI), the Geological Survey of India (GSI) and the Central Ground Water Board (CGWB)]

26.06.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Gunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Ajitesh Soni, Adv.
Ms. Arnav Behera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Das, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR
Mr. D.K. Samal, EIC, P&D

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

[Signature]

2

21(1)

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, SE-cum-OIC
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

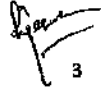
FOR STATE OF JHARKHAND:

Mr. Tapesb Kumar Singh, AAG
Mr. Sukant Vikram, Adv.

ORDER

I.A. No. 13/2020 in Reference Nos. 1/2018 and 2/2019 and
I.A. No. 14/2021 in Reference Nos. 1/2018 and 2/2019

In terms of earlier order(s), the concerned authorities were called upon to furnish relevant data/information/documents, list whereof was made available by the Registrar alongwith covering letter. The Office Report indicates that substantial data/information/documents are still awaited. It is not possible to continue with the process of production of data/information/documents indefinitely. As a last opportunity, we direct the Registrar to inform the concerned authorities to furnish the relevant data/information/documents as requisitioned, within six weeks from today, failing which the Tribunal may have to


3

21(15)
invoke powers under Section 9 of the Inter-State River Water Disputes Act, 1956.

The State of Chhattisgarh, as well as, the State of Odisha have filed application(s) for production of further data/information/documents. Since we are deferring the hearing of this matter for completing the process of production of documents, we allow these applications, as the same are not opposed by the opposite parties, making it clear that no further application from any party for production of data/information/documents will be entertained, until further orders.

These applications are allowed in the above terms.

The Registrar to take necessary steps to requisition data/information/documents from the concerned authorities, forthwith. The communication be sent not later than one week from today, so that sufficient time is available to the concerned authorities to arrange for the data/information/documents within specified time.

Interim Application No. 1/2018 in Ref. No. 1/2018

As regards the interim arrangement during the pendency of the proceedings, as prayed by the State of Odisha by way of a formal application and also a joint request is made across the bar.

[Signature]
4

21(E)

that consideration thereof be deferred for the time being. For, the parties are still working out amicable arrangement which would facilitate both the parties and also assuage their grievance(s). It will be open to the parties to apply for preponement of the date of hearing. For the time being, we defer the matter for further consideration awaiting the data/information/documents to be furnished by the concerned departments/authorities in terms of the earlier orders and this order.

The matter be listed on 14.8.2021.

In the meantime, both sides may continue with the discussion in right earnest and arrive at an amicable solution to be placed before the Tribunal before the next date of hearing, for taking the same on record.

Certified to be True Copy

[Signature]
Registrar



sd/ J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/ J.
(DR. RAVI RANJAN)
MEMBER

sd/ J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

22(CA)

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

14.08.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE RAVI RANJAN

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

CHAIRMAN

MEMBER

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.



Ms. Anindita Pujari, Adv.
 Mr. Ranvir Singh, Adv.
 Ms. Gunika Gupta, Adv.
 Mr. Utkarsh Pratap, Adv.
 Mr. Ajitesh Soni, Adv.
 Ms. Arnav Behera, Adv.
 Mr. Tapas Praharaj, Adv.
 Ms. Biswabara Das, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR.
 Mr. D.K. Samal, EIC, P&D

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
 Mr. K.K. Lahiri, Adv.
 Mr. Jagjit Singh Chhabra, Adv.
 Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
 Mr. Ram Swami Naidu, SE-cum-OIC

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
 Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapesh Kumar Singh, AAG
 Mr. Aditya Pratap Singh, Adv.
 Ms. Bhaswati Singh, Adv.

ORDER

Ref Nos. 1/2018 and 2/2019

The parties jointly request to defer the hearing of this matter until 4.9.2021, so that, in the meantime, they can take inspection

22(c)

of the relevant documents which have since been received from the concerned department; and also to pursue with the Central Water Commission to get the remaining or more documents. We are informed that a joint meeting is likely to be arranged with the said department.

As regards no response from National Disaster Management Authority (NDMA) and Soil and Land Use Survey of India (SLUSI), as mentioned in the office report, it will be open to the concerned party to take out a formal application for summoning the requisite documents which request can be considered on its own merits. If such an application is filed, the same be posted on the next date of hearing i.e., 4.9.2021.

List the matter on 4.9.2021 at 2.30 p.m.

sd/-
.....
(A.M. KHANWILKAR)
CHAIRMAN

sd/- J.
.....
(DR. RAVI RANJAN)
MEMBER

sd/- J.
.....
(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy

P. J. K.
Registrar



23(A)

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 15/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for summoning data, information and documents from the non-applicants]

04.09.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 14.30 hrs. today

CORAM:**HON'BLE MR. JUSTICE A.M. KHANWILKAR****CHAIRMAN****HON'BLE DR. JUSTICE RAVI RANJAN****MEMBER****HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR****MEMBER****FOR STATE OF ODISHA:**

Mr. Ashok Kumar Parija, Advocate General
 Mr. Mohan V. Katarki, Sr. Adv.
 Mr. Mahesh Agarwal, Adv.
 Ms. Anindita Pujari, Adv.
 Mr. Ranvir Singh, Adv.
 Ms. Gunika Gupta, Adv.
 Mr. Utkarsh Pratap, Adv.
 Mr. Ajitesh Soni, Adv.
 Ms. Arnav Behera, Adv.
 Mr. Tapas Praharaj, Adv.
 Ms. Biswabara Dash, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR
 Mr. D.K. Samal, EIC, P&D

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
 Mr. K.K. Lahiri, Adv.
 Mr. Jagjit Singh Chhabra, Adv.
 Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
 Mr. Ram Swami Naidu, SE-cum-OIC
 Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
 Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapes Kumar Singh, AAG

Mr. Aditya Pratap Singh, Adv.
Ms. L. Bhaswati Singh, Adv.

ORDER

I.A. No. 15/2021 in Ref. Nos. 1/2018 and 2/2019

For the time being, no direction is required. As and when the documents referred to in the application are found to be necessary and indispensable for adjudication of controversy, appropriate directions can be issued at the relevant time.

Interim Application No. 1/2018 in Ref. No. 1/2018

As regards the application for interim relief, parties seek further time to do the needful.

Ref. Nos. 1/2018 and 2/2019

Learned counsel appearing for the concerned parties seek two weeks' time to file additional documents which are left out from the compilations of documents. We accede to this request.

After the additional documents are filed, the parties shall complete the admission/denial procedure within three weeks therefrom. Matter be listed on 23.10.2021 at 11.00 a.m.

The fact that the matter has been adjourned, will not preclude the parties to interact with the Registrar of the Tribunal for arranging a joint meeting with the Central Water Commission

23(5)

(CWC) and other central agencies for seeking further data/information/documents concerning issues involved in the present proceedings. If such joint request is made by the parties within two weeks, the Registrar may immediately take steps to arrange for joint meeting before the next date of hearing.

List the matter on 23.10.2021 at 11.00 a.m.

sd/-

(A.M. KHANWILKAR)

sd/-

(DR. RAVI RANJAN)

sd/-

(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy

[Handwritten signature]



24 (H)

23.10.2021

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 14/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Odisha under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of data/document/information by Central agencies]

I.A. No. 15/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for summoning data, information and documents from the non-applicants]

24(B)

23.10.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Gunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Ajitesh Soni, Adv.
Ms. Arnav Behera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Dash, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, SE-cum-OIC
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

24(1)

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.
Ms. L. Bhaswati Singh, Adv.

ORDER

I.A. Nos. 14/2021 and 15/2021 in Ref. Nos. 1/2018 and 2/2019

It appears that some data/information/documents are still awaited, for which formal applications had been filed being I.A. Nos. 14/2021 and 15/2021. Even on the previous date, no orders were passed on the said application(s) with the hope that the data/information/documents will be made available by the concerned departments at the earliest. The Registrar may coordinate with the concerned departments and provide them with a list of data/information/documents still awaited for being supplied before the next date of hearing.

Ref. Nos. 1/2018 and 2/2019

We have heard learned counsel for the parties.

We note that in respect of most of the documents filed so far, the procedure for admission and denial has been completed. If not done so far by any State-party, may do so before the next date of hearing.

We are informed that pursuant to the previous order, a joint meeting was arranged with certain departments. The discussion

24(D)

remained inconclusive in respect of certain matters. Therefore, further efforts be made to arrange for a joint meeting with the concerned departments of the Union Government. The State-parties may submit the points for discussion/further discussion department-wise to the Registrar within one week, who shall do the needful and arrange for a joint meeting with the concerned departments, in right earnest.

The Office Report mentions about the email/letter sent by the State of Chhattisgarh dated 19.10.2021 and the steps taken thereon. The counsel appearing for the State of Odisha wants to submit response in regard to the said email/letter, which can be done within one week from today.

In principle, it is stated that the decision of the Assessors is acceptable to all parties.

As agreed by the parties, we defer the hearing of the matter for further consideration to 18.12.2021, to be taken at 11.00 a.m.

Certified to be True Copy


Registrar



.....sd/..... J.
(A.M. KHANWILKAR)
CHAIRMAN

.....sd/..... J.
(DR. RAVI RANJAN)
MEMBER

.....sd/..... J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

(18-12-2021)
25A

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 14/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Odisha under Section 9 of the Inter-State River Water Disputes Act, 1956 for production of data/document/information by Central agencies]

I.A. No. 15/2021 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh *inter alia* under Section 9 of the Inter-State River Water Disputes Act, 1956 for summoning data, information and documents from the non-applicants]

I.A. No. 16/2021 in Reference Nos. 1/2018 and 2/2019

[Application to place on record Additional Documents filed by the State of Odisha]

18.12.2021 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Gunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Ms. Arnav Behera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Dash, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, CE-cum-OIC
Mr. Biplob Chatterjee, Consultant
Mr. P.K. Pal, SE

286
Mr. Jayant Bisen, AE

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Tapesk Kumar Singh, AAG
Mr. Aditya Pratap Singh, Adv.

ORDER

IA No.16 of 2021 filed by the State of Odisha to place on record additional documents is allowed, subject to just exceptions.

We have heard learned counsel for the parties.

It is agreed that admission and denial of documents has been completed by all parties.

As a result, we direct the parties to submit list of witnesses, whom they propose to examine. That be filed within four weeks from today. In addition to filing of list of witnesses, it will be open to the parties to file affidavit of examination-in-chief at least of such witnesses, whose evidence is not dependent upon further documents/data to be received from the concerned department of the Central Government.

25D

The Registrar may take steps to expedite the process of collection of documents/data from the concerned Central Agencies as per the requisition submitted by the respective parties. The learned counsel for the concerned parties must submit a letter so as to point out the remaining documents/data which need to be expedited. That be filed in the Registry within one week from today.

As admission and denial of documents is complete, we direct the Registrar to begin marking and giving chronological exhibit number (as Ex.), of documents with the consent of all parties; and the remaining documents be given running numbers for identification purpose only, with prefix T.

For the time being, we post this matter for hearing on 05.02.2022, to be taken up at 11.00 a.m. Whether the matter will be heard physically or through virtual mode, will be informed to the parties by the Registrar, one week in advance.

We place on record the fair stand taken by the learned counsel for the concerned parties that they are still exploring the possibility of amicable resolution of contentious issues, which can be resolved

amicably. The progress of such interaction will be placed on record before the next date of hearing.

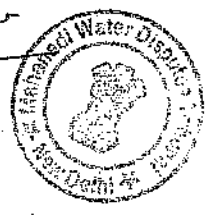
sd/ J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/
(DR. RAVI RANJAN)
MEMBER

sd/ J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

swaffled to be True Copy

[Signature]
Registrar



12.02.2022
26(A)

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 17/2022 in Reference Nos. 1/2018 and 2/2019

[Application seeking leave to place on record the preliminary list of witnesses proposed to be called by the State of Chhattisgarh]

12.02.2022 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
 Mr. Mohan V. Katarki, Sr. Adv.
 Mr. Mahesh Agarwal, Adv.
 Ms. Anindita Pujari, Adv.
 Mr. Ranvir Singh, Adv.
 Ms. Gunika Gupta, Adv.
 Mr. Utkarsh Pratap, Adv.
 Ms. Aanchal Mullick, Adv.
 Ms. Arnav Behera, Adv.
 Mr. Tapas Praharaj, Adv.
 Ms. Biswabara Dash, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
 Mr. K.K. Lahiri, Adv.
 Mr. Jagjit Singh Chhabra, Adv.
 Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
 Mr. Ram Swami Naidu, CE (Retd.)
 Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
 Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Arunabh Chowhdury, Sr. Adv.
 Ms. Pragya Baghel, Adv.
 Ms. Tulika Mukherjee, Adv.
 Mr. Shwetank Singh, Adv.

ORDER

The communication sent by the learned counsel for the State of Odisha dated 15.1.2022, giving details about its list of witnesses, is taken on record.

We have perused the Office Report dated 11.02.2022.

It is submitted by the learned counsel for the parties that pursuant to the order passed on previous date, the parties have already indicated the sequence for exhibiting the relevant documents to the Registry. The Registrar to immediately commence marking of the concerned documents as exhibits sequentially. In case of any doubt, the Registrar may interact with the learned counsel for the concerned party for clarification and further details and take appropriate steps on the basis of suggestions given by the concerned party and keep all concerned informed about the same.

It is noticed from the Office Report that the parties have interacted with about nine (9) departments/agencies pursuant to the liberty granted in terms of the previous orders passed by this Tribunal. The concerned departments/agencies are expected to furnish certain information/data/documents. That is still awaited. In all probability, the said compliance will be done in next 2-3 weeks.

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 18/2022 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh for summoning Data, Information and Documents from the non-applicants]

I.A. No. 19/2022 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Odisha for summoning Data/Documents/Information from the non-applicant NWIC]

12.03.2022 This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

2768)

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Gunika Gupta, Adv.
Mr. Utkarsh Pratap, Adv.
Ms. Aanchal Mullick, Adv.
Ms. Arnav Behera, Adv.
Mr. Tapas Praharaj, Adv.
Ms. Biswabara Dash, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, CE (Retd.)
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Arunabh Chowhdury, Sr. Adv.
Ms. Pragya Baghel, Adv.
Ms. Tulika Mukherjee, Adv.
Ms. Aastha Shrestha, Adv.

ORDER

Perused the Office Report dated 11.03.2022. It is noticed that certain information/data/documents are still awaited from concerned departments. After interacting with the learned counsel appearing for the State parties, it has been agreed that without waiting for the information/data/documents referred to in the application(s) filed by the State of Chhattisgarh and the State of Odisha, the parties shall file their affidavits of witnesses in lieu of examination-in-chief with clear understanding that they will be permitted to file further affidavits as and when required in case some new information/data/documents become available to the concerned party.

To enable the parties to file their affidavits, we grant time till 23.04.2022 and notify this matter for further hearing on 30.04.2022 to be taken up at 11.00 a.m.

27(1)

In the meantime, the Registrar is directed to organize joint meeting of the concerned department(s) for further interaction with the learned counsel for the respective State party.

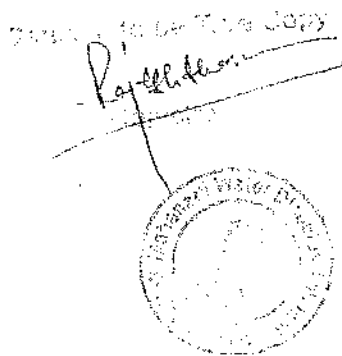
Needless to observe that the process of marking of documents as exhibits, as directed in the previous order(s), shall continue.

I.A. Nos. 18/2022 and 19/2022 in Reference Nos. 1/2018 and 2/2019 and

Issue notice to concerned departments referred to in I.A. Nos. 18/2022 and 19/2022.

Notice in I.A. No. 19/2022 be sent to the concerned department(s) alongwith further better affidavit to be filed by the applicant-State of Odisha within one week from today.

List the matter on 30.04.2022 at 11.00 a.m.



sd/ J.
(A.M. KHANWILKAR)
CHAIRMAN
sd/ J.
(DR. RAVI RANJAN)
MEMBER
sd/ J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 20/2022 in Reference Nos. 1/2018 and 2/2019

[Application seeking leave to place on record the revised preliminary list of witnesses proposed to be called by the State of Chhattisgarh]

14.05.2022 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR	CHAIRMAN
HON'BLE DR. JUSTICE RAVI RANJAN	MEMBER
HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR	MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Tapas Kumar Praharaj, Adv.
Mr. Ranvir Singh, Adv.
Ms. Biswabara Dash, Adv.
Ms. Gunika Gupta, Adv.
Ms. Aanchal Mullick, Adv.
Ms. Kamakshi Sehgal, Adv.
Ms. Arnav Behera, Adv.
Mr. Azad Bansala, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, CE (Retd.)
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

C

FOR STATE OF JHARKHAND:

Mr. Arunabh Chowhdury, Sr. Adv.
Ms. Pragya Baghel, Adv.
Ms. Tulika Mukherjee, Adv.
Ms. Aastha Shrestha, Adv.

ORDER

We have perused the office report dated 13.5.2022. From the office report, it appears that substantial information/data/documents have been received from the concerned central agencies. However, no response has been received from the Survey of India, the National Disaster Management Authority (NDMA) and the Niti Aayog. The record indicates that enough efforts have been made by the Registrar of the Tribunal to interact with the concerned departments/agencies, but it has been of no avail. In the circumstances, it has become necessary to issue notice to the Secretary of the stated central agencies, so that urgency will be appreciated at the highest level and appropriate corrective measures taken at their end. In other words, to facilitate this Tribunal to proceed with the further hearing of the case, we deem it appropriate to issue notice to the Secretary of the stated departments with a hope that they would respond favourably within four weeks from today. The Registrar may coordinate with the office of the Secretary of the concerned

department/central agency for arranging joint meeting of its officials and the learned counsel appearing for the State parties, if necessary. In the event no response is received from the concerned department despite such effort, this Tribunal may have to consider issuing appropriate directions, as may be permissible in law, which situation ought to be eschewed. A copy of this order and notice be sent directly to the Secretary of the stated department/central agency to impress upon the urgency and the necessity to collate data requisitioned by the State parties within reasonable time.

In addition, we direct the Assessors to finalize the format, so that the State parties will be able to file their affidavits in lieu of the examination-in-chief of the concerned witnesses, in conformity with the finalized format. That be done by the Assessors within two weeks from today. Mr. Sanjeev Agarwal, Assessor, who is connected online, assures to comply with this direction well in time.

It will be open to the learned counsel appearing for the State parties to interact with the Registrar and the Assessors in case any further clarification/information is required or becomes necessary to be requisitioned from the concerned department/central agency.

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It is made clear that the State parties must now proceed to file their affidavit in lieu of the examination-in-chief without any further delay, as substantial data/information/documents have now been received from the other departments/central agencies, with liberty to file further affidavits, as and when it becomes necessary. Be it noted that, if some central agencies/departments have not responded to the queries set forth by the State parties, that can be no reason for not filing an affidavit in lieu of the examination-in-chief. In that situation, a formal application can always be taken out by the State parties for issuing appropriate directions to the concerned central agencies to produce the record or furnish necessary data/information/documents by way of evidence including to examine the officials of the central agencies/departments. That application can be considered appropriately.

Affidavits already filed by the State parties are taken on record.

Liberty is granted to the State parties to file further affidavit(s) in lieu of examination-in-chief of the concerned witness, through online mode, in addition.

It is noticed from the record that no appearance has been entered on behalf of the State of Madhya Pradesh. However, in the past, the State of Madhya Pradesh was represented by some officials on some

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dates. If the State of Madhya Pradesh is not interested in contesting the proceedings, it may so inform the Tribunal, so that such statement can be placed on record. However, learned counsel for the State parties have brought to our notice that certain information is not being shared by the State of Madhya Pradesh, such as decadal data and other details, as mentioned in the applications filed hitherto by the State parties including mentioned in the letter dated 5.5.2022 given by Mr. Jagjit Singh Chhabra, learned counsel for the State of Chhattisgarh. A copy of the said letter be forwarded to the Secretary of the Water Resources Department of the State of Madhya Pradesh for necessary action and to submit response in lieu of the said request within four weeks from today. A copy of this order be also forwarded to the Secretary of the State of Water Resources Department, Madhya Pradesh for necessary action.

We appreciate the efforts put in by the State parties for marking and exhibiting of documents done so far.

I.A. No. 20/2022 in Reference Nos. 1/2018 and 2/2019

I.A. No. 20 has been filed by State of Chhattisgarh for placing on record revised preliminary list of witnesses. No objection is forthcoming from the other States. Hence, this application is allowed.

67
List this matter on 16.7.2022 at 11.00 a.m.

sd/- J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/- J.
(DR. RAVI RANJAN)
MEMBER

sd/-
(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy

Regent
Registrar



**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

16.07.2022: This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Tapas Kumar Praharaj, Adv.
Mr. Ranvir Singh, Adv.
Ms. Biswabara Dash, Adv.
Ms. Kamakshi Sehgal, Adv.
Mr. Arnav Behera, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, CE (Retd.)
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Arunabh Chowhdury, Sr. Adv.
Ms. Pragya Baghel, Adv.
Ms. Tulika Mukherjee, Adv.
Ms. Aastha Shrestha, Adv.

FOR STATE OF MADHYA PRADESH:

Mr. Sunny Choudhary, Adv.

Mr. Yashraj Bundela, Adv.

ORDER

We have perused the office report dated 15.7.2022.

It appears that despite notice issued to the Secretary, Ministry of Home Affairs, Government of India for National Disaster Management Authority (NDMA), no response has been received. The Registrar to issue fresh notice to the Secretary, impressing upon him to furnish the relevant data/information/documents in continuation of the earlier notices, so that further process can be continued in the present matter. In the event, the department (NDMA) does not have the relevant data/information/documents, that position may be stated in the response to be submitted by the concerned Secretary in response to the fresh notice.

On the earlier occasion, it was noticed that no one had entered appearance for the State of Madhya Pradesh. Now, Mr. Yashraj Bundela, learned counsel has appeared for the State of Madhya Pradesh and he submits on instructions that the relevant data/information/documents is being collated by the concerned department that would be submitted within four weeks from today. This assurance is placed on record.

29D

Mr. A.K. Ganguli, learned senior counsel for the State of Chhattisgarh invited our attention to certain other data/information/documents concerning proposal finalized by the erstwhile Central Water Commission (CWC), which, according to him, may have some bearing on the matters in issue. He submits that no response is forthcoming from the concerned department in that regard. It will be open to the State of Chhattisgarh to take out a formal application including to spell out the reasons why such data/information/documents would be essential during the consideration of the matters in issue in these proceedings. If such an application is filed, it can be considered appropriately and if necessary, suitable directions can be issued.

Mr. Mohan Katarki, learned senior counsel for the State of Odisha submits that the State of Madhya Pradesh be called upon to submit environment flow-chart to facilitate the Tribunal and to reckon the same while deciding the minimum water flow to be maintained during the non-monsoon period. It will be open to the State of Odisha to take out a formal application in that regard, if and when required, after the process of recording of evidence commences.

We take on record the affidavit of witnesses filed by the State of Odisha and Chhattisgarh.

For the time being, we defer the hearing of this matter till 27.8.2022 to be taken up at 11.00 a.m. It will be for physical hearing on that date.

— S/d —

J.
(A.M. KHANWILKAR)
CHAIRMAN

— S/d —

J.
(DR. RAVI RANJAN)
MEMBER

— S/d —

J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy

[Signature]
Registrar



**MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

And

State of Chhattisgarh & Ors.

Respondents

With

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

And

State of Odisha & Ors.

Respondents

CORRIGENDUM

FOR

TRIBUNAL ORDER DATED 16.07.2022

<u>Page No.</u>	<u>Para No.</u> <small>[of the page]</small>	<u>Line No.</u>	<u>For</u>	<u>Read as</u>
<u>4</u>	<u>2</u>	<u>2</u>	submits that the State of <u>Madhya Pradesh</u> be called upon to submit environment flow-chart	submits that the State of <u>Chhattisgarh</u> be called upon to submit environment flow-chart

Rajesh Sharam
21/7/2022
(Rajesh Sharam)
Registrar, MWDT

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

with

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

with

I.A. No. 21/2022 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh for summoning data, information and documents from the Central Agencies/Non-Applicants]

I.A. No. 22/2022 in Reference Nos. 1/2018 and 2/2019

[Application on behalf of the State of Chhattisgarh for directions to the State of Madhya Pradesh to supply all the decadal data pertaining to Mahanadi in terms of the order dated July 16, 2022]

27.08.2022 : This matter was called on for hearing before the Tribunal through Video Conferencing at 11.00 hrs. today

CORAM:**HON'BLE MR. JUSTICE A.M. KHANWILKAR****CHAIRMAN****HON'BLE DR. JUSTICE RAVI RANJAN****MEMBER****HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR****MEMBER****FOR STATE OF ODISHA:**

Mr. Ashok Kumar Parija, Advocate General

Mr. Mohan V. Katarki, Sr. Adv.

Mr. Mahesh Agarwal, Adv.

Ms. Anindita Pujari, Adv.

Mr. Ranvir Singh, Adv.

Mr. Tapas Kumar Praharaj, Adv.

Ms. Biswabara Dash, Adv.

Ms. Kamakshi Sehgal, Adv.

Ms. Arnav Behera, Adv.

Mr. Nikhil Pratap, Adv.

Dr. Tribikram Pradhan, Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Rakesh Kumar Nagaria, CE
Mr. Ram Swami Naidu, CE (Retd.)
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv.

FOR STATE OF JHARKHAND:

Mr. Arunabh Chowdhury, Sr. Adv.
Ms. Pragya Baghel, Adv.
Ms. Tulika Mukherjee, Adv.
Ms. Aastha Shrestha, Adv.

FOR STATE OF MADHYA PRADESH:

Mr. Yashraj Singh Bundela, Adv.
Mr. Sunny Choudhary, Adv.

ORDER

I.A. No. 21/2022 in Reference Nos. 1/2018 and 2/2019

This application is for issuing direction to the concerned departments of Union of India to furnish the specified data/information/documents, as noted in Annexure A-2 thereto.

Issue notice to Secretary of the following departments being non-applicants in the present application: -

1. Central Water Commission (CWC)
2. Planning Commission (now NITI Aayog)
3. Department of Water Resources, Ministry of Jal Shakti
4. Central Water & Power Research Station (CWPRS)
5. National Water Informatics Centre (NWIC)

Notices are returnable on 24.9.2022.

In the meantime, Secretaries of the concerned non-applicant departments may issue instructions to all concerned for furnishing the requisite data/information/documents, as noted in the subject application and to submit the same to the Registrar of this Tribunal, who, in turn, will make the same available to learned counsel for the respective State parties.

I.A. No. 22/2022 in Reference Nos. 1/2018 and 2/2019

This application is by the State of Chhattisgarh for issuing directions to the State of Madhya Pradesh to supply all the decadal data pertaining to Mahanadi in terms of the order dated 16.7.2022 passed by this Tribunal.

In response to this application, compliance affidavit has been filed on behalf of the State of Madhya Pradesh. It is noted therein that the Department of Environment and Department of Fisheries of the State of Madhya Pradesh do not have the specified data/information/documents. It is further stated that efforts are being made by the other departments of the State of Madhya Pradesh, referred to in paragraph 3 of the compliance affidavit, to trace the relevant record to be presented to the Tribunal in due course.

As the matter is being deferred till 24.9.2022, we hope and trust that the concerned departments of the State of Madhya Pradesh will make all efforts to furnish relevant records and submit the same to Registrar of this Tribunal, so that the same can be made available to the respective learned counsel before the next date of hearing.

Mr. Ashok Kumar Parija, learned Advocate General for the State of Odisha, on instructions, submits that affidavits in lieu of examination-in-chief of two witnesses to be examined on behalf of State of Odisha, are

almost ready and will be filed before the next date of hearing. That is placed on record.

Mr. Deepak M. Nargolkar, learned senior counsel for the State of Maharashtra, on instructions, submits that the State of Maharashtra is contemplating to examine two witnesses whose names are being finalized. In that case, we direct the State of Maharashtra to do the needful and make sure that the stated affidavits of concerned witnesses in lieu of examination-in-chief are filed before the next date of hearing.

List the matter on 24.9.2022 to be taken up at 11.00 a.m.

sd/ -
(A.M. KHANWILKAR)
CHAIRMAN

sd/ - J.
(DR. RAVI RANJAN)
MEMBER

sd/ -
(INDERMEET KAUR KOCHCHAR)
MEMBER

Certified to be True Copy

Registrar



**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

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INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

With

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha &Ors.

Respondents

05.11.2022: This matter was called on for hearing before the Tribunal at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan V. Katarki, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Mr. Tapas Kumar Praharaj, Adv.
Ms. Biswabara Dash, Adv.
Ms. Kamakshi Sehgal, Adv.
Ms. Arnav Behera, Adv.
Mr. Pawan Bhushan, Adv.
Dr. Tribikram Pradhan, Spl. Secretary, DoWR
Mrs. Deepsikha Mishra, Adv.
Mr. Asad Bansala, Adv.
Mr. Prapriti Rastogi, Adv.

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.

Mr. Ram Swami Naidu, CE (Retd.)

Mr. Biplob Chatterjee, Consultant ← Name Corrected

after due Consequence of
Hon'ble Chairman.
only this page changed. *[Signature]*
S. N. Son

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv. AOR

FOR STATE OF MADHYA PRADESH:

Mr. Yashraj Singh Bundela, Adv.

Mr. Gaurav Chaudhary, Adv.

Mr. Sunny Chaudhary, Adv.

ORDER

The Counsels appearing for the concerned State party have jointly requested for two weeks' time as they intend to interact with the Assessors on certain technical matters and also to identify issues that can be agreed upon and to delineate the issues which may require recording of oral evidence.

As regards documentary evidence, it is made clear that the documents already received from the concerned departments of the Central Government or any other official agency till date would continue to form part of the record.

The fact that the matter would proceed for recording of evidence will not preclude the parties from pursuing with the concerned department of the Central Government or any State authorities for seeking further information and data.

The affidavit and accompany documents presented by Mr. M.E.Haque and Mr. Manoj Panda for the State of Orissa and Dr. Bapuji Rao Bodapati for the State of Chhattisgarh are taken on record, by consent.

The State of Maharashtra is permitted to file affidavit of named witnesses, in lieu of examination in chief before the next date of hearing.

The application filed on behalf of the State of Madhya Pradesh is taken on record. It will be open to the State of Madhya Pradesh to file affidavit of concerned (authorized) responsible officer not below the rank of Joint Secretary in support of the facts mentioned in the subject application.

As requested, by consent, hearing is deferred till 19th November, 2022 at 11 A.M.

sd/ J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/ J.
(DR. RAVI RANJAN)
MEMBER

sd/ J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh &Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

With

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha &Ors.

Respondents

19.11.2022: This matter was called on for hearing before the Tribunal at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHCHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mahesh Agarwal, Adv.

Ms. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Mr. Manu Krishnan, Adv.
Ms. Anindita Pujari, Adv.
Ms. Biswabara Dash, Adv.
Mr. Pawan Bhushan, Adv.
Ms. Kamakshi Sehgal, Adv.
Mr. Tapan Praharaj, Adv.
Dr. Tribikram Pradhan, Spl. Secretary, DoWR
Mr. Ashutosh Das, ER cum Spl. Secretary, DoWR
Mr. Harmohan Pradhan, Consultant
Mr. Ambuja Banav Nayaki, CE, ISWI, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.
Mr. Ram Swami Naidu, OIC, CE (Retd.)
Mr. Biplob Chatterjee, Consultant

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv. AOR

FOR STATE OF JHARKHAND:

Mr. Arunav Choudhary, Sr. Adv.
Mr. Pragya Bhghel, Adv.
Ms. Tulika Mukherjee, AOR
Mr. Zain A. Khan, Adv.

ORDER

We have heard counsel appearing for the State Parties. From the Office report dated 18.11.2022 and the minutes of the meeting held on 9.11.2022 and the inputs of the follow up meeting of the technical experts of the State parties on 17.11.2022 with the Assessors of the Tribunal, it transpires that substantial technical issues have been mutually resolved or agreed upon. As regards the remaining issues of delineation of sub basin, the same is still being examined by the technical team of the State Parties. According to their estimate, it may take at least further two to three weeks' time to resolve the same.

Once that exercise is completed, the real dispute or the area of differences of opinion or perception of the State parties will be known to the respective parties. It would be desirable to then undertake site visits so as to focus on issues that will have to be finally adjudicated upon. That would be meaningful site inspection.

The further meeting of the technical team of the State parties and Assessors of the Tribunal can continue as per the convenience of respective parties. In case, there is any

difficulty, it will be open to the parties to move the Tribunal for seeking appropriate direction(s) before the next date of hearing, if so advised. The hearing of that application can be done through video conferencing.

Affidavit of the State of Maharashtra is taken on record.

It is pointed out by Mr. Ganguli, learned Senior Counsel that State of Madhya Pradesh has still not filed any affidavit in response to IA No.22 of 2022. The State of Madhya Pradesh may do the needful before the next date of hearing.

In view of the above, we defer the hearing of this matter till 7th January, 2023 at 11.00 AM.

sd/-

..... J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/-

..... J.
(DR. RAVI RANJAN)
MEMBER

sd/-

..... J.
(INDERMEET KAUR KOCHCHAR)
MEMBER

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh &Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

With

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha &Ors.

Respondents

07.01.2023: This matter was called on for hearing before the Tribunal at 11.00 hrs. today

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
 Mr. Mohan Katarki, Senior Advocate
 Mr. Mahesh Agarwal, Adv.
 Ms. Anindita Pujari, Adv.
 Mr. Ranvir Singh, Adv.
 Mr. Tapas Kr. Praharaj, Adv.
 Mr. Manu Krishnan, Adv.
 Ms. Biswabara Dash, Adv.
 Ms. Kamakshi Sehgal, Adv.
 Mr. Pavan Bhushanm Adv.
 Ms Anvesha Padhi, Adv.
 Mr. Tribikram Pradhan, Spl. Secretary, DoWR
 Mr. Ashutosh Das, ER cum Spl. Secretary, DoWR

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
 Mr. K.K. Lahiri, Adv.
 Mr. Jagjit Singh Chhabra, Adv.
 Mr. Saksham Maheshwari, Adv.
 Mr. Ram Swami Naidu, OIC,CE (Retd.)

FOR STATE OF MAHARASHTRA:

Mr. Deepak M. Nargolkar, Sr.Adv.
 Mr. Viraj Kadam, Adv. AOR

FOR STATE OF JHARKHAND:

Mr. Arunabh Choudhary, Sr. Adv.
 Mr. Pragya Baghel, Adv.
 Ms. Tulika Mukherjee, AOR
 Mr. Zain A. Khan, Adv.

FOR STATE OF MADHYA PRADESH:

Mr. Yashraj Singh Bundola, Adv.
 Mr. Sunny Chowdhary, Adv.

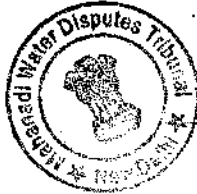
ORDER

Perused the Office Report dated 6.01.2023. It is noticed that continuous interaction between technical experts of the concerned State Parties is ongoing; and they have jointly requested for further time as certain issues are still to be examined. A joint meeting for that purpose is scheduled on 16.01.2023. Accordingly, as jointly requested, we defer the hearing till 4th February, 2023 to be taken at 11.00 AM.

Shri Yashraj Singh Bundola appearing for the State of Madhya Pradesh prays to take additional affidavit sworn by Shri Sunny Choudhary dated 6th January, 2023, to be filed on behalf of State of Madhya Pradesh on record. The same is taken on record subject to just objections. Office to accept the stated affidavit.

Certified to be True Copy

[Signature]
Registrar



Sd/ J.
(A.M. KHANWILKAR)
CHAIRMAN

Sd/ J.
(DR. RAVI RANJAN)
MEMBER

Sd/ J.
(INDERMEET KAUR KOCHHAR)
MEMBER

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

With

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

13.02.2023: This matter was called on for hearing before the Tribunal today at 14.30 hrs.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan Katarki, Senior Advocate
Mr. Mahesh Agarwal, Adv.
Mr. Manu Krishnan, Adv.
Mr. Ranvir Singh, Adv.
Ms. Anindita Pujari, Adv.
Ms. Biswabara Dash, Adv.
Ms. Anvesha Padhi, Adv.
Ms. Deepika Mishra, Adv.
Ms. Kamakshi Sehgal, Adv.
Dr. Tribikram Pradhan, Spl. Secretary, DoWR
Mr. Ashutosh Das, EIC cum Spl. Secretary,
DoWR, Orissa
Mr. Pawan Bhushan Adv.

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.
Mr. Ram Swami Naidu, OIC, CE (Retd.)

FOR STATE OF MAHARASHTRA:

Mr. Deepak Nargolkar, Sr. Adv.
Mr. Viraj Kadam, Adv. AOR

FOR STATE OF MADHYA PRADESH:

Mr. Gaurav Chaudhary, Adv.

ORDER

We have perused the Office Report dated 10.2.2023 and the supplementary Office Report dated 13.2.2023. It is noticed that during the earlier interaction between the Technical Teams of the State parties and the Assessors, a broad understanding had been reached. However, today a communication is received in the Registry from the counsel for the State of Chhattisgarh. The same has been adverted to in the supplementary Office Report with comments of the Assessors in that regard. For the time being, it is not necessary for us to go into the details of the stand taken by the State of Chhattisgarh in the stated communication.

2. After hearing the counsel appearing for the State parties, it has been agreed by all concerned that it will be appropriate to first undertake site visit before commencing the actual trial in the form of tendering of witnesses and their cross examination. The counsel appearing for the State Parties have suggested that the Technical Team of the respective States will first interact with the Assessors of this Tribunal and then a schedule for the proposed site visit can be drawn up. Further, the site visit ought to commence from 15th March, 2023. The details regarding the travel plan and other aspects to be worked out by the Assessors after interacting with the Technical Team of the respective State parties.

3. It is placed on record that the site visit has been proposed from 15th March, 2023 as in the meantime, the Assessors are also expected to do scrutiny of the suggestions given by the State of Chhattisgarh, in the communication presented today.

4. Considering the fact that the term of the Tribunal is coming to an end in March 2023, the State parties through their counsel have volunteered to take up the issue at the appropriate level for extension of the term.

List this matter on 25th March, 2023 at 11.30AM.



—sd—

..... J.
(A.M. KHANWILKAR)
CHAIRMAN

—sd—

..... J.
(DR. RAVI RANJAN)
MEMBER

—sd—

..... J.
(INDERMEET KAUR KOCHHAR)
MEMBER

Certified to be True Copy

[Signature]
Registrar

12/3/23

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

Claimant

and

State of Chhattisgarh & Ors.

Respondents

with

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

With

REFERENCE NO. 2/2019

State of Chhattisgarh

Claimant

and

State of Odisha & Ors.

Respondents

25.03.2023: This matter was called on for hearing before the Tribunal today at 11.30 hrs.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan Katarki, Senior Advocate
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Mr. Manu Krishnan, Adv.
Ms. Biswabara Dash, Adv.
Ms. Kamakshi Sehgal, Adv.
Mr. Tapas Praharaj
Mr. Pawan Bhushan Adv
Mr. Mr. Ashutosh Das, EIC cum Spl. Secretary,
DoWR, Orissa
Ms Deepika Mishra, Adv.

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.
Mr. Ram Swami Naidu, OIC,CE (Retd.)

FOR STATE OF MAHARASHTRA:

Mr. Deepak Nargolkar, Sr.Adv.
Mr. Viraj Kadam, Adv. AOR

FOR STATE OF MADHYA PRADESH:

Mr. Gaurav Chaudhary, Adv.
Mr. Sunny Chaudhary,
Standing Counsel for the State of MP

FOR STATE OF JHARKHAND:

Mr. Arunabh Chaudhary, AAG
Ms Pragya Baghel, Adv
Ms Tulika Mukherjee, Adv
Ms Zain A. Khan, Adv

ORDER

We have perused the Office Report dated 21.3.2023 and Supplementary Office Report dated 24.03.2023.

2. We have heard the counsel for the State Parties. In light of the Supplementary Report, it was submitted by the counsel for State of Chhattisgarh that the National Remote Sensing Centre (NRSC) may be directed to make available the LiDAR data for the remaining area as requisitioned by the State of Chhattisgarh at the earliest so that follow up steps can be taken by the Assessors after interacting with the State Parties. The Counsel for the State of Orissa, on the other hand, submitted that even in absence of further LiDAR data the Assessors are free to formulate the delineation mechanism and proceed on the basis of conventional data and submit report to the Tribunal. The Counsel for the State of Chhattisgarh, in all fairness, submitted that the option suggested by the State of Odisha is possible but it would be appropriate that further LiDAR data is obtained from NRSC so that the data for the whole area is consistent and enable the Assessors to have a cohesive approach.

3. We appreciate the stand taken by the State Parties. We cannot keep on waiting for further data indefinitely. Instead, we would direct the Assessors to continue with the analysis of the information for the purpose of delineation as has

been indicated in Para 11 & 12 of the minutes of the joint meeting dated 22.03.2023.

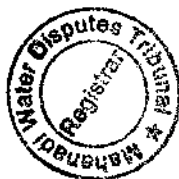
4. We direct the NRSC to furnish the LiDAR data for the remaining area as per the demand of State of Chhattisgarh within two weeks from today; and if it is not possible to do so, must provide specific reason(s) as to why such data cannot be made available so that the matter before the Tribunal can proceed on that basis.

5. The State Parties assure to cooperate with the Assessors to enable them to take follow up steps in the light of the observations in the previous orders including the comments made in Paras 11 & 12 of the minutes of the joint meeting dated 22.03.2023, as indicated above.

6. Reverting to the directions given in the previous order regarding Site visit, the Counsel for the State Parties in all fairness submit that although the schedule has already been submitted by them, it would be appropriate to break the visit into two stretches commencing from upper part of the basin in Chhattisgarh and the second stretch from the lower part in Chhattisgarh. The first stretch of visit shall be between 18th April, 2023 and 22nd April, 2023 and the second stretch would commence from 29th April, 2023 and conclude on 3rd May, 2023. The details of the agreed visit plan is being finalised by the Counsel for the State Parties and be submitted to the Registrar within one week from today.

7. The State of Maharashtra has tendered affidavit in lieu of Examination Chief by Mr. Vijay Magan Deoraj, Civil Engineer working as Additional Commissioner (WC), Soil & Water Conservation Regional Area, and Nagpur).

The same is taken on record as Counsel for the other State Parties have no objection in that regard.



SD

J.
(A.M. KHANWILKAR)
CHAIRMAN

SD

J.
(DR. RAVI RANJAN)
MEMBER

SD

J.
(INDERMEET KAUR KOCHHAR)
MEMBER

Certified to be True Copy


Registrar

**BEFORE MAHANADI WATER DISPUTES TRIBUNAL
NEW DELHI**

REFERENCE NO. 1/2018

State of Odisha

and

Claimant

State of Chhattisgarh & Ors.

with

Respondents

INTERIM APPLICATION NO. 1/2018

(For interim reliefs on behalf of the Applicant State of Odisha under Section 5(2) of the Inter-State River Water Disputes Act, 1956, read with order XXXIX of the Code of Civil Procedure, 1908 along with the Affidavit)

With

REFERENCE NO. 2/2019

State of Chhattisgarh

and

Claimant

State of Odisha & Ors.

Respondents

11.07.2023: This matter was called on for hearing before the Tribunal today at 10.30 hrs.

CORAM:

HON'BLE MR. JUSTICE A.M. KHANWILKAR

CHAIRMAN

HON'BLE DR. JUSTICE RAVI RANJAN

MEMBER

HON'BLE MRS. JUSTICE INDERMEET KAUR KOCHHAR

MEMBER

FOR STATE OF ODISHA:

Mr. Ashok Kumar Parija, Advocate General
Mr. Mohan Katarki, Senior Advocate
Mr. Mahesh Agarwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Ranvir Singh, Adv.
Ms. Biswabara Dash, Adv.
Mr. Manu Krishnan, Adv.
Ms. Kamakshi Sehgal, Adv.
Mr. Pawan Bhushan Adv
Mr. Mr. Ashutosh Das, EIC cum Spl. Secretary,
And Dr.T.Pradhan, Spl. Secretary, DoWR, Orissa
Ms. Deepika Mishra, Adv.

FOR STATE OF CHHATTISGARH:

Mr. A.K. Ganguli, Sr. Adv.
Mr. K.K. Lahiri, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Saksham Maheshwari, Adv.
Mr. Ram Swami Naidu, OIC,CE (Retd.)

FOR STATE OF MAHARASHTRA:

Mr. Deepak Nargolkar, Sr.Adv.
Mr. Viraj Kadam, Adv. AOR

FOR STATE OF MADHYA PRADESH:

Mr. Gaurav Chaudhary, Adv.
Mr. Sunny Chaudhary,
Standing Counsel for the State of MP

ORDER

We have perused the Office Report dated 09.07.2023 and the Supplementary Office Report dated 10.07.2023. We have also perused the communications sent by the State of Chhattisgarh Dated 10.07.2023 and State of Odisha, in particular dated 10.07.2023. Counsel appearing for the State of Chhattisgarh and State of Odisha sought further time for updating and submission of CFI as directed in the previous orders passed by the Tribunal. According to their estimate, it would take atleast six weeks to complete that process. We place on record that since March 2023 the parties have been put to notice to file CFI within a reasonable time. Enough indulgence has been shown, but given the humongous task involved, as submitted, we grant further four weeks' time to the parties to do the needful.

2. The State of Madhya Pradesh has filed affidavit sworn by Mr. R.P. Singh Kanwar, Superintending Engineer Water Resources Circle, Shahdol, Madhya Pradesh along with a formal application to take the same on record. The application

is allowed without prejudice and just exceptions and with liberty to the other parties to file their response thereto, if any.

3. List this matter on 12th August, 2023 at 11.00 A.M.

sd/ — J.
(A.M. KHANWILKAR)
CHAIRMAN

sd/ — J.
(DR. RAVI RANJAN)
MEMBER

sd/ — J.
(INDERMEET KAUR
KOCHHAR)
MEMBER

Certified to be True Copy


Registrar

