

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 39422/2013

(Arising out of impugned final judgment and order dated 22-07-2013 in CM No. 17683/2009, 22-07-2013 in CWP No. 1174/2005 passed by the High Court of Punjab & Haryana at Chandigarh)

NAGAR PANCHAYAT MOONAK AND ORS.

Petitioner(s)

VERSUS

THE STATE OF PUNJAB AND ORS. & ORS.

Respondent(s)

([FOR ORDERS/DIRECTIONS])

Date : 09-11-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. K. K. Mohan, AOR

For Respondent(s) Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.
Ms. Priyanka C., Adv.

Ms. Ranjeeta Rohatgi, AOR

Mr. Ejaz Maqbool, AOR
Mr. Saif Zia, Adv

Mr. Milind Kumar, AOR

Ms. Aishwarya Bhati, ASG.
Ms. Suhasini Sen, Adv.
Ms. Rukhmini Bobde, Adv.
Mr. R. R. Rajesh, Adv.
Mr. T. S. Sabarish, Adv.

Mr. Arvind Kumar Sharma, AOR

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

This Court passed the following Order on 17.08.2022 -

"1. Considering the problem of over flooding of Ghaggar Basin to the detriment of 25 villages in the States of Punjab and Haryana by order dated 11.03.2019, the Chairman,
contd..

CWC was directed to conduct a meeting to find a solution to the problem of flood experienced by agriculturists from 25 villages due to overflowing of river Ghaggar. This Court also directed the States of Haryana and Punjab to participate in the meeting. It appears that thereafter a meeting was conducted on 01.03.2019, by the Ghaggar Standing Committee. It was decided in the said meeting that a Mathematical Model Study (MMS) should be conducted by CWPRS, Pune, regarding mitigation of flood problems for the entire Ghaggar basin in consultation with the respective State Governments. By order dated 11.03.2019, this Court requested the CWPRS, Pune and the States of Punjab and Haryana to act promptly. The CWPRS, Pune was directed to complete the study and place a report before this Court.

2. Ms. Aishwarya Bhati, learned ASG appearing on behalf of the Central Water Commission has placed on record the additional information regarding Mathematical Model Study (MMS) on Ghaggar basin and the latest updates. In the additional information, it is stated as under:-

□ CWPRS, Pune vide letter dated 09.10.2020 submitted the preliminary report on mathematical model studies to safely pass the flood of river Ghaggar in the states of Haryana and Punjab.

□ 30th GSC meeting was held on 18.12.2020 to discuss the preliminary model study report. Minutes of Meeting was circulated on 23.12.2020.

□ Govt. of Punjab and Haryana submitted their views on Minutes of 30th GSC meeting vide letter dated 23.12.2020 and 31.12.2020 respectively.

□ CWPRS submitted point wise clarifications to views of state vide letter dated 01.01.2021.

□ CWC vide letter dated 29.01.2021 requested to CWPRS that model study report may be finalized in direct co-ordination with State Govts regarding their views/observations at earliest.

□ CWC vide letter dated 20.05.2021 requested CWPRS to submit model study report at the earliest.

□ CWPRS submitted first draft technical report which was forwarded to State Govts vide letter dated 07.06.2021.

□ 31st GSC meeting was held on 14.07.2021 to discuss the first draft technical report and minutes of Meeting was circulated vide letter dated 19.07.2021.

contd..

□ CWPRS submitted second draft technical report on 19.07.2021.

□ CWC vide letter dated 10.08.2021 requested State Govts to submit views on Minutes of 31st GSC meeting.

□ Govt of Punjab submitted views on Minutes of 31st GSC meeting vide letter dated 05.08.2021 and Govt of Haryana vide letter dated 11.08.2021 & 16.08.2021.

□ Final Model Study report was submitted by CWPRS vide letter dated 20.09.2021, which was forwarded to State Govts vide CWC letter dated 21.09.2021.

□ 32nd GSC meeting was held on 12.10.2021 to discuss the final model study report. Minutes of Meeting was circulated on 13.10.2021. In the meeting it was concluded that:

i. Short term measures, recommended in case 2(d), which involves widening of river from 60m-90m at some feasible reaches along with limiting water level rise to 2 m at both banks by constructing embankments, in model study report is an optimal solution and needs to be adopted by State Govts.

ii. State Governments may act appropriately and in time bound manner as per the recommendations made in the final model study report by CWPRS, Pune.

3. In view of the above, now, the concerned States namely, the States of Punjab and Haryana are required to act and take measures recommended by CWPRS, Pune, recommended vide its final report. The copies of which are already forwarded to the States of Punjab and Haryana as far as back on 21.09.2021. It also appears that even the recommendations made by CWPRS, Pune in the form of Mathematical Model Study (MMS) has also been considered by the Ghaggar Standing Committee.

4. In view of the above, now, the concerned State Governments are required to act appropriately and in time bound manner as per the recommendations made in the final Model Study Report by CWPRS, Pune so that the problem of overflowing of Ghaggar basin to the detriment of 25 villages, which has remained unresolved for last many years can be resolved. Therefore, we direct the concerned States to take appropriate steps in terms of the recommendations made in the final Model Study Report submitted by CWPRS, Pune and to take all corrective measures as suggested/recommended.

Contd..

There shall be periodical meetings every four weeks of the concerned stakeholders to discuss the progress on implementation of the recommendations. The Ghaggar Standing Committee to send a report after receiving all further information from the concerned States on implementation of the recommendations every three months to the Central Water Commission and in turn the Central Water Commission to submit the report before this Court in the present proceedings.

Put up the matter on 09.11.2022."

By the aforesaid order, this Court observed that the concerned State Governments, namely, States of Punjab and Haryana are required to act on the recommendations made in the final Model Study Report submitted by CWPRS, Pune and in time bound manner as recommended, so that the problem of overflowing of Ghaggar basin to the detriment of 25 villages which has remained unresolved for last many years can be resolved. This Court specifically directed the concerned States to take appropriate steps in terms of recommendations made in the final Model Study Report submitted by CWPRS, Pune and to take all corrective measures as suggested/recommended. This Court also observed and directed that there shall be periodical meetings every four weeks of the concerned stakeholders to discuss the progress on implementation of the recommendations.

It is very unfortunate that despite the aforesaid specific directions, the respective States have not responded in true spirit. Though, of course, the State of Haryana has submitted one report, which is not satisfactory at all. The State of Punjab has not even bothered to file the Status Report. This is how the

contd..

concerned States are serious in tackling the problem of overflowing of Ghaggar basin. There is no respect of the Supreme Court's order so far as the States of Punjab and Haryana are concerned.

Under the circumstances, we have no other alternative but to secure the presence of the Chief Secretaries of both the States and to file a status report taking into consideration our earlier order dated 17.08.2022. The Chief Secretaries of the States of Punjab and Haryana are directed to remain present on 15.11.2022.

Put up on 15.11.2022.

We once again reiterate and direct the concerned States to be serious and sincere in tackling the problem of overflowing of Ghaggar basin which is occurring every year affecting more than 25 villages.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR