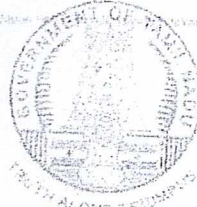


Edappadi K. PALANISWAMI
Chief Minister



SECRETARIAT
Chennai - 600 006

Date.....4.9.2018.....

I am constrained to bring to your notice, the Government of Karnataka's unilateral action in having approached the Central Water Commission for clearance to the Feasibility Report of Mokedatu Balancing Reservoir cum Drinking Water Project with an installed capacity (400 MW) at an estimated cost of Rs.5912 crore across the river Cauvery.

I would like to point out that this action of Karnataka is in violation of the Final Order of the Cauvery Water Disputes Tribunal and the Hon'ble Supreme Court and also in contravention to the directives of the Government of India to share the plans with the co-basin States for their consent before proposing any new schemes.

As you are aware, the Final Order of the Cauvery Water Disputes Tribunal as modified by the Hon'ble Supreme Court prescribes the total quantity of water to be used for consumptive use by all the Party States. This proposal of Karnataka to build a reservoir at Mokedatu across the Cauvery river would amount to a clear violation of the Final Order of the Tribunal and the judgment of the Supreme Court. The proposed reservoir will affect the natural flow of the river Cauvery and will nullify the Final Order of the Tribunal and the Supreme Court. In a federal structure, no upper riparian State should unilaterally interfere with the natural flow of an inter-State river without the consent and concurrence of the lower riparian States.

I would like to point out that the Government of Karnataka has not approached the Government of Tamil Nadu seeking concurrence for its Mokedatu Project. Instead it has directly approached the Central Water Commission in contravention to the guidelines / procedure laid down by the Government of India.

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The Central Water Commission ought not to have processed the proposal of Karnataka to construct a balancing reservoir at Mekedatu and instead should have advised Karnataka to get the concurrence of Tamil Nadu and other co-basin States at the outset.

This unilateral action of Karnataka has caused great alarm and apprehension among the people of Tamil Nadu as it will affect the livelihood of lakhs of farmers who depend on Cauvery water.

I, therefore, request you to kindly instruct the Ministry of Water Resources, River Development and Ganga Rejuvenation to direct the Central Water Commission to stop forthwith further processing of the Feasibility Report of the Government of Karnataka to construct a Balancing Reservoir at Mekedatu across the river Cauvery and not to give any consent to any projects in the river Cauvery without obtaining the prior concurrence of Tamil Nadu and other co-basin States.

I look forward to your immediate positive reply.

With kind regards,

Yours sincerely,

K.PALANISWAMI

To

Shri Narendra Modi,
Hon'ble Prime Minister of India,
New Delhi.



Public Works Department,
Secretariat, Chennai-9.

Letter No.40715/C.Spl.1/2008-50, Dated 17.9.2018

From

Dr. Girija Vaidyanathan, I.A.S.,
Chief Secretary to Government

To

The Secretary to Government of India,
Ministry of Water Resources, River Development and Ganga Rejuvenation,
Shram Sakthi Bhawan,
Rafi Marg,
New Delhi-110 001.(w.e)

Sir,

Sub: Cauvery Water Dispute – Feasibility Report proposal for the proposed “Mekedatu Balancing Reservoir-cum-Drinking Water Project” of Karnataka – Request to furnish the Detailed Project Report / Feasibility Report to communicate the comments / views of Tamil Nadu – Reg.

- Ref: 1. From the Union Minister of Water Resources, River Development and Ganga Rejuvenation D.O. No.10/1/2013-Pen.River (Pt.II), dated 8.1.2016.
2. From the Minister of State for Water Resources, River Development and Ganga Rejuvenation D.O. letter dated 22.8.2018.
3. From the Director, Central Water Commission, Project Appraisal (South) Directorate, TELE/FAX, dated 24.8.2018 (copy marked to the Principal Resident Commissioner, Government of Tamil Nadu, New Delhi)

I am directed to state that Hon'ble Chief Minister of Tamil Nadu wrote to Hon'ble Prime Minister on 4.9.2018 urging to instruct the Ministry of Water Resources, River Development and Ganga Rejuvenation to direct the Central Water Commission to stop forthwith further processing of the Feasibility Report of the Government of Karnataka to construct a Balancing Reservoir at Mekedatu across the river Cauvery and not to give any consent to any projects in the river Cauvery without obtaining the prior concurrence of Tamil Nadu and other co-basin States.

2. Without prejudice to receipt of Feasibility Report for Karnataka's Mekedatu Balancing Reservoir-cum-Drinking Water Project and the comments/ views/ objections of Tamil Nadu thereto, the preliminary comments / views of the Government of Tamil Nadu are as follows:-

- i) Tamil Nadu has opposed the Mekedatu Project or any new project in the Cauvery Basin proposed by Karnataka since Cauvery is a deficit basin and therefore no new project is to be permitted. During the final arguments before the Supreme Court in Civil Appeals filed by the party States (Karnataka, Kerala and Tamil Nadu) against the Final Order of the Tribunal, Tamil Nadu argued that Karnataka is not to be allowed to have more storage structures as it would affect lower riparian States, viz., Tamil Nadu and Puducherry. Water would not be available to Tamil Nadu in time and space for the specific utilization which is the past experience of Tamil Nadu, especially after 1974. The argument of Tamil Nadu is also mentioned in the judgement of Hon'ble Supreme Court dated 16.2.2018, wherein it is stated that the Tamil Nadu has expressed apprehension that Karnataka if granted further capacity to store water, such excess water retention would be the cause for further disputes between the States (vide, Para 321, Page 370 of the Supreme Court Judgement dated 16.2.2018).
- ii) The Supreme Court has modified the allocations between Tamil Nadu and Karnataka with judgement dated 16.2.2018. In this judgement, the court provided an additional 4.75 TMC ft. to Bangalore drinking water supply and additional allocation of 10 TMC ft. to Karnataka. Apart from these no changes were made to the Tribunal's Final Order. The Court has also held that no interference with the determinations and findings recorded by the Tribunal is called for in view of scrutiny of the available materials on record (para 397, page 449).
- iii) The Supreme Court further directed that upper riparian state (Karnataka) shall not take any action so as to affect the scheduled deliveries of water to the lower riparian States, viz., Tamil Nadu and Puducherry (vide Para 399, Page 450). Therefore, Karnataka is prevented from taking any *suo motu* action which will affect the lower riparian States.
- iv) Ever since CWDT gave its Interim Order on 25.6.1991, Karnataka did not comply with the Order to ensure monthly quantity at Mettur. Even after the Final Order of CWDT which was notified on 19.2.2013, Karnataka did not adhere to the Order and did not keep up with the schedule of releases at Billigundulu. The flows realised were mainly from surplus or from flows realised in the intermediate catchment, i.e., below of KRS and Kabini. In deficit years, Karnataka appropriated the waters to the maximum extent taking advantage of the geographical position and it never shared the distress. Central Water Commission or Ministry of Water Resources, River Development and Ganga Rejuvenation did not even evolve a formula to share the distress so far.


- v) The Cauvery Water Management Authority has been established with effect from 1.6.2018 and the Cauvery Water Management Authority is yet to function in full fledged manner for the implementation of the Final Order of the Tribunal as modified by the Hon'ble Supreme Court. Karnataka has only released the inevitable surplus which it could not hold in its reservoirs due heavy rain fall in the Cauvery catchments warranting the further meetings of Cauvery Water Management Authority than the one meeting held on 2.7.2018 and to direct the releases as per the orders in force. So, Tamil Nadu could not come to a conclusion as to whether Karnataka implements the Final Order of the Tribunal as modified by the Supreme Court as per the directions of Cauvery Water Management Authority, in letter and spirit. Therefore, the action of Karnataka to implement the orders during normal year and deficit year is to be monitored.
- vi) On hydrology point of view, the need for creating additional storage has to be decided based on long term data and not on one or 2 years data. The CWDT which has gone into the availability of Storage in Cauvery Basin has stated that the existing storage capacity available in the basin is adequate for storing and distributing the water of the basin, vide, Cauvery Water Disputes Tribunal Award Vo.III, Para 35, Page 101.
- vii) The Reservoir Storage capacity of Karnataka is 124 TMC ft, besides it is also having more than 11700 tanks in the Basin. Thus, its Storage Capacity is about 175 TMC ft. Additional storage capacity, if created by Karnataka, will only enable it to increase its reserve storage or to utilize the water for unauthorized schemes and thereby Karnataka will not release the share of water due to Tamil Nadu, especially during normal and deficit years, leave alone the share from surplus.
- viii) Karnataka has executed several unauthorized Lift Irrigation Schemes (copy enclosed) which was brought to the notice of the then Sub-Committee of the Cauvery Supervisory Committee by Tamil Nadu in the meeting held on 06.11.2015. The Committee did not take any action on these unauthorized projects executed by Karnataka.
- ix) State of Karnataka has already created the infrastructure facilities for drawing 24 TMC ft per year for providing drinking water supply to Bengaluru City, which includes additional allocations 4.75 TMC ft now allocated by the Supreme Court's Judgement dated 16.2.2018. Therefore, the question of creating additional reservoir even in the guise for drinking water supply and power generation does not arise.
- x) While that being the case, the Central Water Commission ought not to have now entertained the request of Karnataka for considering the Mekedatu Balancing Reservoir Project either for Power production or for creating additional storage in the guise of drinking water supply without consulting Government of Tamil Nadu.

- xi) The Ministry of Water Resources, River Development and Ganga Rejuvenation, Government of India had addressed a letter to Government of Karnataka in regard to Mekedatu Project of Karnataka on 8.9.2015, wherein it was suggested that it would be advisable that the Government of Karnataka share their plans for the said project with co-basin States, as required under the Order of the Cauvery Water Disputes Tribunal, to bring them on board before taking up their Detailed Project Report / construction.
- xii) The Central Water Commission ought not to have processed the proposal of Karnataka for its Mekedatu Balancing Reservoir-cum-Drinking Water Project either for hydro power generation or for creating additional storage in the guise of drinking water supply without the prior concurrence of the Government of Tamil Nadu and other co-basin States.
- xiii) At the outset, the Central Water Commission ought to have advised to Karnataka to get the concurrence of Tamil Nadu and other co-basin States.
- xiv) The action of Karnataka to have a reservoir at Mekedatu will affect the livelihood of lakhs of farmers in Tamil Nadu who depend on Cauvery water.

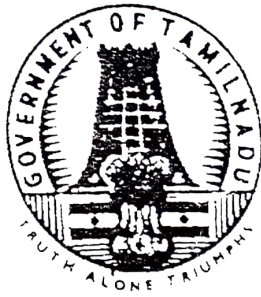
3. In these circumstances, I request you to stop forthwith further processing of the Feasibility Report of the Government of Karnataka to construct a Balancing Reservoir at Mekedatu across the river Cauvery and not to give any consent / clearance to any projects of Karnataka in the river Cauvery without obtaining the prior concurrence of Tamil Nadu and other co-basin States.

4. The action taken by Central Water Commission on this reference may be informed to this Government immediately.

Yours faithfully,


17.9.2018
for Chief Secretary to Government

4526
17/9/2018



Public Works Department,
Secretariat,
Chennai-600009.

Letter No.40715/C.Spl.1/2008, Dated 31.10.2018

From

Tmt.Girija Vaidyanathan, IAS.,
Chief Secretary to Government.

To

The Secretary to Government of India,
Ministry of Water Resources, River Development
and Ganga Rejuvenation,
Shram Sakthi Bhawan, Rafi Marg,
New Delhi-110 001.

Sir,

Sub: Cauvery Water Dispute – Feasibility Report proposal for
the proposed Mekedatu Balancing Reservoir-cum-
Drinking Water Project (June, 2018) Karnataka –
Objections of Tamil Nadu - Conveyed.

- Ref: 1) From the Director, Central Water Commission, Project
Appraisal (South) Directorate, letter No. Nil dated
24.8.2018.
2) From Hon'ble Chief Minister to Hon'ble Prime Minister,
D.O. letter dated 4.9.2018.
3) This Government letter No.40715/ C.Spl.1/2008-50,
dated 17.9.2018.
4) Memorandum presented by Hon'ble Chief Minister to
Hon'ble Prime Minister on 8.10.2018.

I am directed to state that the Feasibility Report of Karnataka
to construct a reservoir with a capacity of 67.16 TMC ft. and for
generation of hydro-electric power of 400 MW with a cost estimate
of Rs.5912 crore (June 2018 price level) at Mekedatu across the
river Cauvery is not acceptable to the Government of Tamil Nadu
and the Government of Tamil Nadu strongly objects to the same.

In the letter dated 4.9.2018, Hon'ble Chief Minister of Tamil Nadu to Hon'ble Prime Minister, it was pointed out that the proposal of the Government of Karnataka to build a reservoir at Mekedatu across river Cauvery would amount to a clear violation of the Final Order of the Tribunal and the judgment of Hon'ble Supreme Court. The proposed reservoir will affect the natural flow of the river Cauvery and will nullify the Final Order of the Cauvery Water Disputes Tribunal and the Hon'ble Supreme Court. Further, in a federal structure, no upper riparian State should unilaterally interfere with the natural flow of an inter-State river without the consent and concurrence of the lower riparian States. Karnataka has unilaterally approached the Central Water Commission without seeking the concurrence of Tamil Nadu and other co-basin States as per the guidelines and procedures laid down by the Government of India and this would also affect the livelihood of lakhs of farmers who depend on Cauvery Water. Hon'ble Chief Minister, therefore, urged Hon'ble Prime Minister to instruct the Ministry of Water Resources, River Development and Ganga Rejuvenation to direct the Central Water Commission to stop forthwith further processing of the Feasibility Report of the Government of Karnataka to construct a Balancing Reservoir at Mekedatu across the river Cauvery and not to give any consent to any projects in the river Cauvery without obtaining the prior concurrence of Tamil Nadu and other co-basin States. In the Memorandum presented by Hon'ble Chief Minister to Hon'ble Prime Minister on 8.10.2018, the demand of Tamil Nadu was reiterated.

3. Pending receipt of Feasibility Report for the Mekedatu Project of Karnataka, the preliminary comments / views of the Government of Tamil Nadu were sent in the letter 3rd cited, with a request to the Government of India to stop forthwith further processing of the Feasibility Report of Government of Karnataka to construct a Balancing Reservoir at Mekedatu across the river Cauvery and not to give any consent / clearance to any projects of Karnataka in the river Cauvery without obtaining the prior concurrence of Government of Tamil Nadu and other co-basin States.

4. The Government of Tamil Nadu has examined the Feasibility Report of Karnataka for the Mekedatu Project across the river Cauvery and **reiterates its decision that the Feasibility Report is not acceptable to the Government of Tamil Nadu and it should be rejected at the threshold by the Government of India.**

5. Without prejudice to the above decision of the Government of Tamil Nadu, the following comments/ views on the Feasibility Report of Karnataka's Mekedatu Project of June, 2018 are furnished:-

I. GENERAL COMMENTS:

- a) When NHPC proposal was discussed earlier, the projects contemplated by NHPC did not take any shape in view of huge submersion of Forest area etc. Karnataka has suppressed the fact that it had filed an Affidavit in the Tribunal in 2001, agreeing for the four schemes to be taken up for execution by the NHPC as a package. The Clause XIII of the Final Order of the Tribunal quoted by Karnataka itself (in page 21) is only on consideration of the development of power by NHPC.
- b) The Shivasamudram and Mekedatu projects are entirely located in Karnataka territory and are capable of being taken by Karnataka independently is contrary to the stand taken by Karnataka in the Tribunal in the year 2001. This will be a clear attempt in not ensuring the monthly / 10 daily release of water to Tamil Nadu in an Irrigation Season as per Final Order of the Cauvery Water Disputes Tribunal / Supreme Court of India judgment dated 16.2.2018.
- c) The issue of constructing the reservoir at Mekedatu by Karnataka cropped up in the Supreme Court during the final arguments in the Civil Appeals filed by the party States against the Final Order of CWDT during July - September 2017. Tamil Nadu argued that Karnataka is not to be allowed to have more storage structures as it would affect lower riparian States, viz., Tamil Nadu and Puducherry. Water would not be available to Tamil Nadu in time and space for the specific utilization, which is the past experience of Tamil Nadu, especially after 1974. The argument of Tamil Nadu is also mentioned in the judgement of Hon'ble Supreme Court dated 16.2.2018, wherein it is stated that the Tamil Nadu has expressed apprehension that Karnataka if granted further capacity to store water, such excess water retention would be the cause for further disputes between the States, (vide, Para 321, Pages 369-370 of Supreme Court Order dated 16.2.2018).

II. Specific Comments on the Feasibility Report:-

Sl. No	Karnataka's justification for the Proposal	Tamil Nadu's Views / Comments
1	Due to expansion of Bengaluru, area falling under Cauvery as per Bengaluru Metropolitan Regional Development Authority is 5882 sq km as on 2007. This is reported to be 73.47% falling under Cauvery basin, as against 33% falling in Cauvery basin as per the CWDT Report.	The amalgamated area of Bengaluru falling under Cauvery Basin as reported in Chapter I of the Feasibility Report (page 1) has not been verified empirically. This was also not disclosed before the Hon'ble Supreme Court during the final arguments on the Civil Appeals in July - September, 2017. Such a vast land use change would result in reduction in agriculture demand, which has not been accounted for.
2	Karnataka has proposed to execute the Mekedatu Project with nomenclature as "Mekedatu Balancing Reservoir-cum-Drinking Water Project"	The nomenclature, "Balancing Reservoir", for this project is misleading as the project as per the Report is for Karnataka's exclusive use and not for releasing water to Tamil Nadu as per the Final Order of the CWDT and the Judgement of the Hon'ble Supreme Court. Further the proposed reservoir is not for carry-over storage and also not for enhancing the dependable supply to Tamil Nadu. To regulate the releases to Tamil Nadu as per the Orders, there is no need to have the proposed reservoir.
3	The Shivasamudram and Mekedatu HEPs are capable of being taken up by Karnataka independently (page 24, para 2 of FR).	This is not acceptable in the inter-State river Cauvery. This is strongly objected because, Cauvery being an inter-State river, the consent of Tamil Nadu and other co-basin States are essentially required and also that the Government of India in letter dated 8.1.2016 informed Tamil Nadu, that

		Karnataka had been instructed to get the views / comments of Basin States especially Tamil Nadu and Puducherry on the Detailed Project Report of the Project and then furnish to Central Water Commission for examination.
4	In order to provide drinking water to an extent of 4.75 TMC ft, it is required to ensure withdrawal from the reservoir at 23.75 TMC considering the consumptive use of drinking water component at 20% as per CWDT award.	<p>Karnataka is already drawing a quantum of 24 TMC ft. for Bangalore Water supply through the Cauvery Water Supply Scheme for Bangalore City - Stage I to Stage V (Phases I and II), from the Netkal Balancing reservoir, as reported to the CWDT (this is in addition to 2.7 TMC ft. being drawn from Hesaraghatta and Chamarajasagar reservoirs in Arkavathy) i.e., totally 26.7 TMC ft. Since the Tribunal did not consider the population outside the catchment of Cauvery, the additional allocation of 4.75 TMC ft. by the Supreme Court for Bangalore water supply, is to be construed as to regularize this drawal of 24 TMC ft. for Bangalore Water supply through the schemes already executed. If Karnataka proposes to draw 23.75 TMC ft. from the proposed Mokedatu reservoir, this will amount to a total drawal of $26.70+23.75=50.45$ TMC ft. which is not permissible as per the Final Order of the Tribunal as modified by the Supreme Court Order.</p> <p>Further, the present drawal of 24 TMC ft. is from the existing Netkal Balancing reservoir. Mokedatu reservoir is now proposed for "providing storage backing to meet drinking water requirement of Bangalore city" This is not required,</p>

as the Netkal balancing reservoir is already existing for this purpose.

Also, the Supreme Court and the Tribunal have allowed only 20% of the drawal as consumptive use and hence the remaining 80% of the drawal is to be brought back into the Cauvery basin after suitable treatment as per IS standards and this has to be ensured by Karnataka. On this, the Report is silent.

5 The allocation of 17.64 TMC by the CWDT is considered for storage in the proposed reservoir.

As regards the allocation of 17.64 TMC ft. by the Tribunal, Karnataka has not spelt out where and how this quantity is to be utilized. Karnataka has already executed several schemes not permitted by the Tribunal or the Supreme Court. Karnataka has admitted that it has executed 14 schemes, mostly lift irrigation schemes, and it is not known whether many more schemes have been taken up by it, details of which are not available. Tamil Nadu has raised this issue earlier before the then Supervisory Committee and also raised before the CWMA / CWRC. If the quantity of 17.64 TMC ft is meant for such irrigation schemes, spread over the entire Cauvery basin, there is no need to provide a new storage space in the proposed reservoir.

6 The additional allocation of 10 TMC of water by the Supreme Court is to be stored in the proposed reservoir.

As regards the additional allocation of 10 TMC ft. by the Supreme Court, the above remarks hold good. Further, as per the Report, this (17.64 + 10.00) 27.64 TMC ft. is proposed to be utilized from June to October upstream of Makedatu (vide page 87

		of the Report). Therefore the question of storing it does not arise.
7	Unutilized flow of Kerala of 9.30 TMC ft. stated in Feasibility Report.	As regards the unutilized share of Kerala to be released to Tamil Nadu, the quantity is reported to be 9.30 TMC ft. It is not known how this is arrived at. Out of the total allocation of 21 TMC. ft., Kabini Sub-basin, Kerala has executed only the Banasurasagar reservoir, for which the allocation is 0.84 TMC ft. Adding minor irrigation use of 2.55 TMC ft, the present utilization is only 3.39 TMC ft or say 4 TMC ft. The balance 17 TMC ft is to be released to Tamil Nadu. (The exact quantum of present utilization as permitted by the Tribunal has to be ascertained from Kerala.) In any event, the unutilized flow of Kerala can flow to Tamil Nadu as natural flow from Kabini and there is no need to block it in the proposed reservoir and then release.
8	<p>a) To meet the environmental requirement of Tamil Nadu, 10 TMC ft., the storage is required.</p> <p>b) Adding the above $23.75+17.64+10+9.3 = 60.69$ TMC. Including evaporation loss etc. the total storage required is calculated as 67.16 TMC.</p>	<p>As regards the environmental flow of 10 TMC ft. to be released during summer months from February to May, there is already KRS and Kabini reservoirs, from which releases are already being made. There is enough storage space in these two reservoirs and there is no need to have additional storage space for this purpose.</p> <p>Thus, there is no justification to create a huge storage reservoir of 67 TMC ft.</p>
9	The total catchment area of Cauvery at Mokedatu Dam site is 36000 Sq. kms.	The catchment area at Mokedatu dam site is reported as 36000 Sq.km (page 56), but it is stated as 34273 sq. km (page 65).

Therefore, the extent of catchment area mentioned is contrary to each other.

10. Karnataka has proposed to construct a reservoir with a storage capacity of 67 TMC ft.

As already stated, there is no justification for the proposed huge storage of 67 TMC ft. The Tribunal, while analyzing the storage capacities in the Cauvery basin, has stated that there is a total gross storage space of 330 TMC ft. which is about 42% of the total yield of 740 TMC ft. and concluded that:

"Thus, it would be seen that about 42% of 740 TMC ft. (i.e. 50% dependable yield) could be stored in all the storage reservoirs in the Cauvery basin. This itself is an important aspect for consideration in the development and utilization of water resources of a river basin. From the above discussion, it would be clear that adoption of 50% dependable flow for apportionment amongst the party States in the prevalent situation of Cauvery basin which is supported by two monsoon seasons and with ample available storage facilities would be quite fair, and, the system could be further strengthened by integrated operation of important reservoirs. ..." (Page 101, vol.III of CWDT Report)

11. Chapter 9 - Irrigation Planning. This project is conceived as a power project and a balancing reservoir in order to generate power and as well as regulating / allowing the required quantum of water as per

Karnataka has proposed to use (17.64 + 10.00) 27.64 TMC ft. from June to October as abstraction for irrigation (vide page 87 of the Report). In Page 30 of the Report, the above quantities are cited to justify the need for the reservoir.

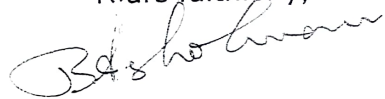
Since, utilisation for irrigation from

Cauvery Water Disputes Tribunal Award, no irrigation component has been envisaged.	June to October is proposed, the irrigation planning does not involve irrigation component as stated in the Feasibility Report is not correct and is contradictory.
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6. I, therefore, request you to instruct the Central Water Commission not to proceed in any manner on the above proposal of Karnataka and to reject the same *in limine*. Further, the Central Water Commission may also be advised not to give any consent / clearance to any projects of Karnataka in the river Cauvery without obtaining the prior concurrence of Tamil Nadu and other co-basin States.

7. The action taken in the matter may be informed to the Government of Tamil Nadu, immediately.

Yours faithfully,



For Chief Secretary to Government.

Copy to:

The Secretary to Government of India, Ministry of Power,
Shram Sakthi Bhawan, Rafi Marg, New Delhi - 110 001.

✓ The Director (Project Appraisal), Directorate (South), Central Water Commission, 7th Floor, Sewa Bhawan, R.K.Puram, New Delhi-110 066.

The Chairman, Cauvery Technical Cell-cum-Inter State Waters Wing, Egmore, Chennai-8.

The Principal Secretary / Chairman and Managing Director,
TANGEDCO., NPKRR Maaligai, No.144 Anna Salai, Chennai-2.
SF/Sc.

**S.K.PRABAKAR, I.A.S.,
Principal Secretary to
Government.**



**Public Works Department,
Secretariat, Chennai-9.**

D.O. Letter No.40715/C.Spl.1/2008-56, dated 11.2.2019

Dear Shri Masood Husain,

Please refer to reference No.49 / 1-CWMA / Mon (E&W) / 71-75, dated 29.1.2019 of the Secretary, Cauvery Water Management Authority forwarding a copy of the Detailed Project Report for the proposed Mekedatu Balancing Reservoir-cum-Drinking Water Project of Karnataka for information and necessary action.

I would like to bring to your notice that the permission given by the Central Water Commission to Karnataka on 22.11.2018 for preparation of Detailed Project Report for the construction of a new reservoir at Mekedatu across the river Cauvery is wholly illegal on the following grounds:-

- (i) The Tribunal in the Final Order has clearly held that with the ample available storage facilities would be quite fair and the system could be further with strengthened integrated operation of important reservoirs (Refer para 33, at page 101 vol.III). This has been accepted by the Hon'ble Supreme Court.
- (ii) The proposed reservoir at Mekedatu is not a designated reservoir for the release of water by Karnataka to Tamil Nadu in terms of the Final Order of the Tribunal as modified by the Supreme Court.
- (iii) The Hon'ble Supreme Court in the judgment dated 16.2.2018 has held "... that upper riparian State shall not take any action so as to affect the schedule deliveries of water to the lower riparian States " (Refer para 399 at page 450)
- (iv) The Government of Karnataka did not seek the approval of the Cauvery Water Management Authority before requesting to Central Water Commission for giving permission to prepare the Detailed Project Report.
- (v) The Government of Karnataka has not obtained the prior concurrence of the Government of Tamil Nadu and of the other co-basin States while seeking permission of the Central Water Commission for the preparation of Detailed Project Report.

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E-mail: pwdsec@tn.gov.in

- (vi) As per the guidelines of submission Appraisal and Acceptance of Irrigation and Multipurpose Project, 2017 even for preparing pre-Feasibility Report, inter-State aspects have to be dealt with in detail. Further, even for cluster of projects in an inter-State river / tributary / sub-tributary where the utilisation capacity exceeds 0.352 TMC ft., the inter-State clearance is mandatory. The storage capacity proposed for Makedatu Project is 67.16 TMC ft. Therefore the guidelines ought to have been followed by the Central Water Commission. But in the present case this has not been done.
- (vii) The proposed project of Karnataka will seriously interfere with the adjudicated dispute which attained finality by the judgment of the Hon'ble Supreme Court dated 16.2.2018.
- (viii) The proposed Makedatu reservoir by Karnataka is an attempt to impound the uncontrolled flows in the intermediate catchment between KRS and Billigundulu which is clearly in violation of the decision of the Tribunal and affirmed by the Hon'ble Supreme Court.
- (ix) The permission given by Central Water Commission is contrary to the scheme notified by the Government of India on 1.6.2018 and in particular, clause 10(iv) of the powers, functions and duties vested with the Authority.
- (x) Cauvery being a deficit basin, construction of Makedatu or any project in any place by upper riparian States will drastically affect the lower riparian State in getting due share of waters as per the Final Order of the Tribunal as modified by the Hon'ble Supreme Court.

I am also to inform that during the 2nd meeting of the Cauvery Water Management Authority held on 3.12.2018, as Member of Tamil Nadu, in my opening remarks, I had strongly objected to the permission given by Central Water Commission on 22.11.2018 for the preparation of Detailed Project Report for Makedatu Project by Karnataka without considering the objections raised by Tamil Nadu and also without getting the concurrence of the Government of Tamil Nadu and of the other co-basin States. I had also clearly brought to the notice of the Authority that there is absolutely no necessity for creating any new storage structure between Krishnarajasagar and Billigundulu to release water to Tamil Nadu by Karnataka as per the Tribunal's Final Order and the Hon'ble Supreme Court's judgment dated 16.2.2018. Further, I emphasised that the proposed construction of reservoir in the guise of storing water to meet drinking water needs of Bengaluru City is a ploy to increase the storage capacity and enhance its irrigation which is in gross violation of the above orders. My opening remarks has been recorded as Annexure-II to the minutes of the 2nd meeting of the Cauvery Water Management Authority.

The Government of Tamil Nadu on 30.11.2018 filed an Application in the Hon'ble Supreme Court, inter-alia, praying to direct the Central Water Commission to withdraw the permission given to Karnataka for preparation of Detailed Project Report for the Mekedatu Project. In this Application, the Government of Karnataka on 21.1.2019 has informed the Hon'ble Supreme Court that it has sent the Detailed Project Report of the Project to Central Water Commission. This matter is yet to be decided by the Hon'ble Supreme Court.

The Government of Tamil Nadu has also filed a Contempt Petition in the Hon'ble Supreme Court on 5.12.2018 against those who are responsible for wilful disobedience for having given the permission to Karnataka for the preparation of Detailed Project Report for the project in utter disregard to the findings of the Tribunal and the judgment of the Hon'ble Supreme Court dated 16.2.2018.

Further, the matter is now before the Hon'ble Supreme Court and lakhs and lakhs of farmers dependant on Cauvery water are very much agitated that they will be deprived of their due share of water as per the judgment of the Hon'ble Supreme Court dated 16.2.2018, if Mekedatu or any such project is taken up in the Cauvery Basin by upper riparian States.

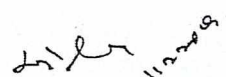
In the circumstances, the Detailed Project Report for the Mekedatu Balancing Reservoir-cum-Drinking Water Project of Karnataka is *ex-facie* against and not consistent with the Final Order of the Tribunal and the judgment of the Hon'ble Supreme Court and should be rejected outright and returned to Karnataka.

Accordingly, I, request you to reject outright and return the Detailed Project Report of the Mekedatu Project of Karnataka.

I request you to forthwith take action and inform the action taken in the matter to me.

With regards,

Yours sincerely,



(S.K.PRABAKAR)

To
✓ **Shri S. Masood Husain,**
Chairman,
Cauvery Water Management
Authority,
Camp Office Sewa Bhawan,
7th Floor, (South), R.K.Puram,
New Delhi - 110 066.

Edappadi K. PALANISWAMI

Chief Minister



SECRETARIAT
Chennai - 600 009

Date..... 24.6.2019

Dear Prime Minister,

I write this letter seeking your urgent personal intervention to deny permission to the proposal of Cauvery Neeravari Nigama Niyamita of Karnataka for grant of Terms of Reference for Environmental Clearance for Mokedatu Balancing Reservoir and Drinking water project. This action of Karnataka in seeking Environmental Clearance for Mokedatu Project is in utter violation of the Final Order of the Cauvery Water Disputes Tribunal and the judgment of the Hon'ble Supreme Court dated 16.2.2018. I request you to direct the Ministry of Environment, Forest and Climate Change to reject outright the proposal of Karnataka.

The Government of Tamil Nadu has been conveying its strong objections and has been urging the Government of India to reject outright and return the Detailed Project Report of the Mokedatu Balancing Reservoir Project of Karnataka. The proposed Mokedatu Project is not in conformity with the Final Order of the Tribunal and the judgment of the Supreme Court, since the Project is not a designated reservoir for the release of water from Karnataka to Tamil Nadu in terms of the Final Order of the Tribunal as modified by the Hon'ble Supreme Court. Further, Karnataka has not obtained the prior concurrence of the Government of Tamil Nadu and other co-basin States. Cauvery being a deficit Basin, construction of Mokedatu or any project in any place by upper riparian States will drastically affect the lower riparian States in getting due share of water as per the Final Order of the Tribunal as modified by the Hon'ble Supreme Court. Moreover, the matter is pending before the Supreme Court. I have brought these facts to you in the Memorandum I presented on 15.6.2019.

In the circumstances, I request you to direct the Ministry of Environment, Forest and Climate Change to issue instructions to the Authorities concerned not to consider the proposal of Cauvery Neeravari Nigama Niyamita for grant of Terms of Reference to obtain Environmental Clearance for Mokedatu Balancing Reservoir and Drinking water project. Further, the Ministry of Jal Shakthi may be directed to advise the Central

701189/2021/Pen Riv Section

Water Commission to reject outright and return the Detailed Project Report of the Mekedatu Balancing Reservoir Project of Karnataka and also not to accord any clearance to the above project without obtaining the prior concurrence of the Government of Tamil Nadu and of other co-basin States.

I shall be thankful for your immediate response in the matter.

with kind regards

Yours sincerely,



K.PALANISWAMI

To

Shri Narendra Modi,
Hon'ble Prime Minister of India,
New Delhi.

701189/2021/Pen Riv Section



Public Works Department,
Secretariat, Chennai – 9.

Letter No. 40715 / C.Spl.1 / 2008-65, dated 27.4.2021

From

Dr. K. MANIVASAN, I.A.S.,
Principal Secretary to Government

To

✓ The Secretary to Government of India,
Ministry of Jal Shakti,
Department of Water Resources, River Development and Ganga Rejuvenation,
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110 001. (w.e.)

Sir,

Sub: Cauvery Water Dispute – Karnataka commenced preliminary activities like laying road near the proposed Mekedatu Dam site – Request to advise Karnataka not to initiate any activity with reference to Mekedatu Project – Regarding.

Ref: 1. From the Chief Engineer, Cauvery Neeravari Nigama Niyamita Ltd., Irrigation (South), Letter No.CE / CNNL / WSB / Mekedatu /2019 – 2020, dated 20.6.2019 (addressed to the Director and Member Secretary, River Valley and Hydroelectric Projects, MOEF & CC.)
2. From the Hon'ble Chief Minister of Tamil Nadu D.O. Letter dated 24.6.2019 addressed to Hon'ble Prime Minister.
3. Minutes of the 25th Meeting of the Expert Appraisal Committee for River Valley and Hydroelectric Projects held on 19.7.2019.

I am directed to state that a news item appeared in Times of India, Chennai edition on 15.4.2021, wherein it was reported that the State of Karnataka has commenced preliminary activities, like laying road, which is reported as a project road, collection of construction materials, etc., for the proposed Mekedatu dam across Cauvery river just upstream of Karnataka – Tamil Nadu border. This has caused anguish among the farmers of Tamil Nadu, especially in Delta.

- 2 -

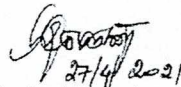
2. On the proposal of construction of Mekedatu project by the State of Karnataka, State of Tamil Nadu has filed a Miscellaneous Application (MA) in the Hon'ble Supreme Court on 30.11.2018 being M.A.No.3217 of 2018 and also filed a Contempt Petition (CP) being No.96, dated 05.12.2018, for having accorded permission to the project authorities of Karnataka to go ahead with the preparation of DPR. Both the Applications are pending before the Hon'ble Supreme Court. However, the State of Karnataka submitted an Application to the Ministry of Environment, Forest and Climate Change, for obtaining the Terms of Reference for Environmental Impact Assessment (EIA) study. This was also opposed by Tamil Nadu and the Hon'ble Chief Minister of Tamil Nadu wrote a letter to Hon'ble Prime Minister on 24.06.2019 requesting to direct the Ministry of Environment, Forest and Climate Change not to consider the Mekedatu proposal. Subsequent to that, the Expert Appraisal Committee of Ministry of Environment, Forest and Climate Change directed Karnataka to have an amicable solution on this issue with the State of Tamil Nadu and thereafter put up for consideration, vide, minutes of the meeting held on 06.08.2019. But, Karnataka did not approach the State of Tamil Nadu for any amicable solution. It has taken a stand that the consent of riparian States is not needed and the matter stands there.

3. The State of Tamil Nadu had also strongly objected to an agenda on this issue, put forth for a discussion in the 3rd, 4th, 5th, 6th and 7th meetings of the CWMA and based on Tamil Nadu's objection the item was not discussed and deferred.

4. The State of Karnataka cannot suo-moto take any action to commence the construction of the proposed Mekedatu project across the Inter-State Cauvery river. Further the matter is sub-judice.

5. In the above circumstances, I request you to advise the State of Karnataka not to initiate any activity with reference to the Mekedatu Project as the matter is sub-judice.

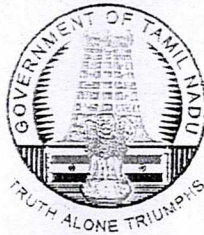
Yours faithfully,



For Principal Secretary to Government

27/4/2021

369 M/W PGP - on tour
CE (LMO)
CC (P&D)
Dr. GIRIJA VAIDYANATHAN, I.A.S.,
CHIEF SECRETARY



242
09/02/19
SECRETARIAT
CHENNAI-600 009
EXAMINER
Pnt. nls
Dr. Siga-15
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AD

PUBLIC WORKS DEPARTMENT

D.O. Letter No.40715/C.Spl.1/2008, Dated : 28-1-2019

Dear Shri Singh,

As you are aware, the Government of Tamil Nadu had conveyed the objections in letters dated 17.9.2018 and 31.10.2018 for the Feasibility Report of Karnataka for the Mekedatu Balancing Reservoir cum Drinking Water Project.

The Central Water Commission requested the Government of Tamil Nadu to furnish the preliminary comments / views on the Feasibility Report for the Mekedatu Balancing Reservoir cum Drinking Water Project of Karnataka. However, the Central Water Commission without considering the objections of Tamil Nadu had unilaterally given permission to Karnataka for the preparation of Detailed Project Report for the Project, which is a clear violation of the judgment of the Hon'ble Supreme Court.

As you are aware, the Government of Tamil Nadu has filed an Application before the Hon'ble Supreme Court to direct the Central Water Commission to withdraw the permission granted to Karnataka for preparation of the Detailed Project Report for the Mekedatu Project.

The Government of Karnataka has since informed the Hon'ble Supreme Court that the Detailed Project Report for the Mekedatu Balancing Reservoir cum Drinking Water Project has been sent to the Central Water Commission for according further clearances.

The matter is before the Hon'ble Supreme Court and lakhs and lakhs of farmers of Tamil Nadu dependent on Cauvery Water are very much agitated that they will be deprived of their due share of water as per the judgment of the Hon'ble Supreme Court dated 16.2.2018, if Mekedatu or any such project is taken up in the Cauvery basin by upper riparian States.

In the circumstances, I request you to instruct the Central Water Commission to reject outright and return the Detailed Project Report of the Mekedatu Project submitted by Karnataka.

I look forward to your immediate positive response in this matter.

With regards,

Yours sincerely,

Girija Vaidyanathan

To

Shri U.P. Singh, I.A.S.,
Secretary to Government of India,
Ministry of Water Resources,
River Development and Ganga Rejuvenation,
Shram Sakthi Bhawan, Rafi Marg,
New Delhi - 110 001.

Copy to

✓ The Chairman,
Central Water Commission,
R. K. Puram,
New Delhi - 66.

Phone: 044-25671555 Fax: 044-25672304 e.mail: cs@tn.gov.in