K. GNANADESIKAN, I.A.S.
CHIEF SECRETARY

SECRETARIAT
CHENNAI-600 009

PUBLIC WORKS DEPARTMENT

D.O. Letter No.14722/C.Spl.1/2015- , Dated: 15-9-2015

Dear Thiru Kaushik Mukherjee,

I am in receipt of your letter dated 9.9.2015.

At the outset, I would like to point out that as on 13.9.2015, as against 111.333 TMC ft. prescribed in the Final Order of the Tribunal, the flow realized at Billigundulu is only 72.817 TMC ft., leaving a shortfall of 38.516 TMC ft.

On verification with the Indian Meteorological Department (IMD), it has been ascertained that during this water year of 2015-2016, the rainfall in the Cauvery catchment in Karnataka i.e. South Interior Karnataka has been normal and the IMD has indicated that there is only (-)1% deviation as on 9.9.2015. Therefore, your contention that this water year should be considered as a "distress year" is not correct and is contrary to the factual position. The Government of Karnataka, has therefore, to abide by the Final Order of Cauvery Water Disputes Tribunal, dated 5.2.2007, which has the status of a decree of the Hon'ble Supreme Court, after its Notification by the Government of India on 19.2.2013.

The Cauvery Water Disputes Tribunal has in its Final Order clearly defined that the irrigation season is from 1st June to 31st January of the next year. However, Karnataka has brazenly drawn water for its summer irrigation during the year 2014-2015, in contravention of the Final Order of the Tribunal. If only Karnataka had carried over the storage as on 31st January to 1st June, 2015, as mandated by the CWDT, there would not have been any difficulty for Karnataka to ensure the flows due to Tamil Nadu as prescribed in the Final Order of the Tribunal.

The contention of the Government of Karnataka that accounting of water at the end of the season in December by taking into consideration the ground realities in the entire Cauvery Basin in respect of the Final Order of the Cauvery Water Disputes Tribunal, during a distress year, has no relevance in the present context.

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The Tribunal in its Order dated 19.12.1995 had dealt with the incidence of the south west monsoon and the north east monsoon in the Cauvery catchment and finally held that:

> *"... order dated 25th June, 1991 clearly spells out that the deficiency in a particular week has to be made good in a subsequent week and not necessarily within a particular month in which the deficit occurs. Until the deficit is made good, the deficit would accumulate. In a particular year, shortfall or excess in releases would have to be adjusted in an appropriate manner before the close of the particular season."*

Thus, the letter and spirit of the Order is to make releases every week and if there is any shortfall, it is to be made up in the subsequent week and if it is not still possible to make up the deficit, it should be carried over and adjusted at the end of the "**particular** season", namely, before the end of September in respect of South West monsoon season and before the end of December in respect of North East monsoon season. Hence, your contention that distress has to be determined at the end of December is also factually incorrect and not supported by the Order of the Tribunal dated 19.12.1995.

The Tribunal in Clause IX of the Final Order has specifically ordered for ensuring monthly deliveries by the Government of Karnataka in 10 daily intervals to Tamil Nadu at the presently identified Billigundulu Gauge and Discharge Station located on the common border. This water year being a normal year, Clause VII of the Final Order relied upon by Karnataka is not at all correct and in fact it is a mis-representation of fact. Further, this year being a normal year as per the IMD data for the Cauvery catchment area, Karnataka will have to ensure the releases as per the Final Order of the Tribunal. I wish to point out that as on 14.9.2015, Karnataka has a gross storage of about 70 TMC ft. of water in its 4 major Reservoirs and has already been drawing water for irrigation. However, as on 15.9.2015, Mettur Dam has a meagre storage of 38.823 TMC ft. and the inflow continues to dwindle.

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In the circumstances, I request you to instruct the officials concerned to make good the shortfall of 38.516 TMC ft. as on 13.9.2015 and also to ensure that further releases are made as per the Final Order of the Tribunal in the coming months.

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

Regards,
Yours sincerely,

To

Thiru Kaushik Mukherjee, I.A.S.,
Chief Secretary to Government of Karnataka
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