



KRISHNA WATER DISPUTES TRIBUNAL
(Constituted under the Inter-State River Water Disputes Act, 1956)
Trikoot-1, 3rd Floor, Bhikaji Cama Place, New Delhi - 110 066

Counsel Present:

State of Andhra Pradesh

Shri Jaideep Gupta, Senior Advocate
Shri G. Umapathy, Senior Advocate
Shri Guntur Pramod Kumar, Advocate
on Record

State of Telangana

Shri C.S. Vaidyanathan, Senior
Advocate
Shri A. Sudarshan Reddy, Advocate
General, State of Telangana
Shri V. Ravinder Rao, Senior Advocate
Shri Kushvinder Vohra, Advocate
Shri Sumanth Nookala, Advocate
Shri Nikhil Swami, Advocate on Record

Coram: Hon'ble Mr. Justice Brijesh Kumar, Chairman
Hon'ble Mr. Justice Ram Mohan Reddy, Member
Hon'ble Mr. Justice S.Talapatra, Member

Dated: 16th January, 2025

ORDER

The Tribunal is seized of two References, one by virtue of Section 89 of Andhra Pradesh Re-organization Act, 2014 and the other vide Notification dated 6.10.2023 termed as 'Further Reference'. The latter Reference was made after the oral evidence of the parties was over and closed in the Reference under Section 89 of APRA, 2014 and the matter



was ripe for hearing. In the Further Reference also, the parties exchanged their pleadings and the State of Andhra Pradesh led oral evidence as well and thereafter leading of evidence was also closed. Now both the References are ripe for hearing.

I.A. NO. 10 OF 2024

I.A. No. 10 of 2024 has been moved on behalf of the State of Telangana making the following prayers:

- “1. Consider the pleadings, evidence and documents filed on behalf of the States of Telangana and Andhra Pradesh in both the References as common record for the purpose of their adjudication and in the interests of justice.
2. To consider the Reference under Section 89 of the APRA and the Further Terms of Reference dated 6.10.2023 together.
3. Pass any further or other orders as this Hon’ble Tribunal may deem fit in the interests of justice.”

The State of Andhra Pradesh has objected to the request made for considering two References together. It will be pertinent to mention here that on Further Reference being made, the State of Andhra Pradesh challenged the validity of the Reference itself by filing a Writ Petition (Civil) No. 1230 of 2023 in Hon’ble Supreme Court. The Hon’ble Supreme Court, on the prayer for interim relief for staying the hearing in the Further Reference provided that the petitioner, namely, the State of Andhra



Pradesh may participate in the proceedings before the Tribunal subject to the final outcome of the Writ Petition (Civil) No. 1230 of 2023.

We find that some of the issues in the two References are overlapping but some of them do not. In case, the hearing in both the References takes place together and the matter is disposed of by a single order, the difficulty may arise in case the State of Andhra Pradesh succeeds in the Writ Petition filed by it challenging the validity of the Further Reference itself. The findings and orders may be so intertwined that it may be difficult to segregate the findings and decision from one Reference to the other. There may be over-lapping in findings which may also be difficult to separate Reference-wise. Therefore, we do not find that it would be appropriate to hear the two matters together. It would only be better if these are heard separately. As to which of the two References may be heard first, we find it appropriate to hear the Further Reference first since it also involves the question of sharing of water between the two States which may have relevance in making project-wise allocation as envisaged in Reference under Section 89 of APRA. There are other similar questions also like the question of explanation of definition of the word "Project-wise" which may also have some impact on Reference under Section 89 of APRA. Considering these aspects apart from the two



mentioned above, there are other similar questions therefore, it would be feasible to hear the Further Reference first.

In so far as the question of considering the evidence on the record of the two References is concerned, it is rightly submitted that the evidence on record of Reference under Section 89 of APRA may be considered in the Further Reference but not vice-versa. As far the question of documents to be referred, it is provided that the matter would be considered at the time when a particular document is referred during the course of the arguments as to whether they have to be looked into and to be relied upon or they may be admissible to be seen or not.

As provided above, the I.A.No.10 of 2024 stands disposed of.

List for hearing on February 19 to 21, 2025.

Sd/-
(Justice S.Talapatra)
Member

Sd/-
(Justice Ram Mohan Reddy)
Member

Sd/-
(Justice Brijesh Kumar)
Chairman



Attest
[Signature]
COURT MASTER
Krishna Water Disputes Tribunal
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