



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.

13/11/18
13/11/18

2. 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.	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 Mekedatu 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. Further, the present drawal of 24 TMC ft. is from the existing Netkal Balancing reservoir. Mekedatu reservoir is now proposed for "providing storage backing to meet drinking water requirement of Bangalore city". This is not required,

		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 Mekedatu (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	a) To meet the environmental requirement of Tamil Nadu, 10 TMC ft., the storage is required. 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.	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. Thus, there is no justification to create a huge storage reservoir of 67 TMC ft.
9	The total catchment area of Cauvery at Mekedatu Dam site is 36000 Sq. kms.	The catchment area at Mekedatu dam site is reported as 36000 Sq.km (page 56), but it is stated as 34273 sq. km (page 65).

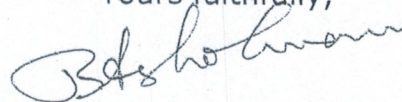
		Therefore, the extent of catchment area mentioned is contrary to each other.
10	Karnataka has proposed to construct a reservoir with a storage capacity of 67 TMC ft.	As already stated, there is no justification for the proposed huge storage of 67 TMC ft. The Tribunal, while analyzing the storage capacities 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.