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2026 INSC 1257

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISC.APPLICATION NO.2445 OF 2026
IN
CIVIL APPEAL NO. 2453 of 2007

STATE OF TAMIL NADU ...APPLICANT (S)

VERSUS

STATE OF KARNATAKA & ORS. ...RESPONDENT(S)

WITH
MISC.APPLICATION D. NO.46291 OF 2026
IN
CIVIL APPEAL NO. 2453 of 2007

AND WITH
MISC.APPLICATION NO.2843 OF 2026
IN
CIVIL APPEAL NO. 2453 of 2007

J U D G M E N T

VIKRAM NATH, J.

MISCELLANEOUS APPLICATION NO.2445 OF 2026 IN CIVIL APPEAL NO. 2453 of 2007

1. The present application has been filed by the State of Tamil Nadu seeking, *inter alia*, the following reliefs: -

> "i. direct State of Karnataka to implement the decision of CWMA dated 30.07.2026 and ensure

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> release of waters from its two reservoirs at Kabini and KRS so as to ensure flows at the rate of 3500 cusecs for 15 days, that is, 4.536 TMC, is realised at inter State Border at Billigundulu on or before 12.08.2026;
> ii. direct CWMA to issue appropriate direction to State of Karnataka to make good the shortfall during the current irrigation year on pro-rata basis, at Billigundulu, for the period from 01.06.2026 to 12.08.2026 of 26.954 TMC to be released forthwith;
> iii. direct CWMA to monitor the flows in the reservoirs of Karnataka in every 10 days and issue appropriate direction to Karnataka to ensure stipulated monthly/ 10 daily releases at Billigundulu as per the Findal Order of the Tribunal as modified by this Hon'ble Court's judgment dated 16.02.2018 during the current irrigation year;
> iv. pass such further Order or any other Orders that this Hon'ble Court may deem fit and appropriate in the circumstances of the case."

2. The inter-State water-sharing dispute involving the riparian States of Karnataka, Kerala and Tamil Nadu, and the Union Territory of Puducherry, was adjudicated by this Court *vide* judgment dated 16th February, 2018, in ***The State of Karnataka by its Chief Secretary vs. State of Tamil Nadu by its Chief Secretary and Others***."[1] The said judgment determined various issues concerning the sharing of Cauvery River waters among the riparian States and the Union Territory.

[1] (2018) 4 SCC 1.

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3. To facilitate the implementation of the award of the Cauvery Water Disputes Tribunal ("Tribunal"), as modified by this Court, the Union of India notified the Cauvery Water Management Scheme on 1st June, 2018. The Scheme established the Cauvery Water Management Authority (hereinafter, "CWMA") and the Cauvery Water Regulation Committee (hereinafter, "CWRC") to oversee and regulate the implementation of the water-sharing arrangements.

4. The CWMA has, from time to time, taken decisions to facilitate effective compliance with and implementation of the Tribunal's award. In view of the rainfall deficit during the current irrigation year, the applicant-State of Tamil Nadu, by a letter dated 14th July, 2026, requested the Chairman of the CWMA to issue appropriate directions to the respondent-State of Karnataka to release water forthwith from its reservoirs to make good the shortfall.

5. At its 54th meeting, held on 30th July, 2026, the CWMA reviewed the hydro-meteorological conditions prevailing in the Cauvery basin and considered the recommendations of the CWRC. Upon deliberation, it issued the following directions: -

> "After detailed deliberations, the authority decided that:

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1. Member from Karnataka to ensure releases from the Krishnaraja Sagara and Kabini reservoirs put together so that the flows at the rate of 3500 cusecs are realized at Biligundulu, starting from 29.07.2026 (8:00 AM) for the next 15 days.
2. The members of the party States need to further enhance water conservation efforts, improve reservoir management and make judicious use of available water by prioritizing the releases for meeting, drinking water, industrial and environmental flow requirements only."

6. Against the aforesaid factual backdrop, the applicant-State of Tamil Nadu has approached this Court seeking appropriate directions.

7. On behalf of the applicant-State, it is contended that even if the respondent-State of Karnataka complies with the directions issued by the CWMA, a shortfall of 5.379 TMC would nevertheless remain. It is further submitted that, in terms of the Central Government's notification dated 1st June, 2018, such a backlog ought not to be permitted to accumulate. The applicant-State also alleges willful non-compliance by the respondent-State with the directions issued by the CWMA.

8. *Per contra*, the respondent-State of Karnataka contends that the stipulated ten-daily and monthly releases are not inflexible, and that any shortfall arising during a particular week or month may be carried forward and adjusted in subsequent months, up to the end of the

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season in January. It is further submitted that, in a year of distress, the obligations arising under this Court's judgment dated 16th February, 2018, may be proportionately reduced, and that the present year admittedly falls within that category.

9. Having considered the rival submissions, we are of the view that the present application is misconceived, particularly when the expert body entrusted with monitoring and regulating the release of Cauvery waters is already seized of the matter.

10. The respondent-State of Karnataka has categorically stated in its short-reply affidavit that, although there was initially a shortfall in the release of water, the deficit was made good once the Wayanad region received adequate rainfall. In this regard, the respondent-State submits that it released 1,65,080 cusecs of water from its reservoirs. While fairly acknowledging a delay of two days in complying with the directions issued by the CWMA, the respondent-State contends that the prescribed releases were subsequently achieved, with a flow of 86,797 cusecs recorded at Billigundulu, as against the stipulated release of 45,500 cusecs under the directions issued by the CWMA at its 54th meeting held on 30th July, 2026.[2]

[2] Paragraphs 5 & 6 of the Short reply filed by State of Karnataka, being No. 240183 of 2026.

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This position has also been fairly acknowledged by the applicant-State of Tamil Nadu in its response to the short-reply affidavit filed by the respondent-State.

11. The release schedule operates on an annual cycle from June to May. In these circumstances, the apprehension expressed by the applicant-State of Tamil Nadu that its annual allocation of water may not be met appears premature. This is particularly so when both the CWMA and the CWRC comprise representatives of the States of Tamil Nadu and Karnataka. We find it difficult to accept that the concerns of the applicant-State would be disregarded by these expert bodies, which have been constituted to secure compliance with and implementation of the final judgment of this Court.

12. It is also pertinent to note that, as fairly admitted by both parties, the CWRC has been convening meetings every fifteen days to review the prevailing situation, hear the parties concerned, and issue appropriate directions in light of the circumstances obtaining at the relevant time.

13. By instituting the present application, the applicant-State seeks, in effect, to draw this Court into the continuing process of monitoring and enforcing the release schedule, a function entrusted to the CWMA and the CWRC under the Scheme framed pursuant to

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this Court's judgment dated 16th February, 2018. By the said judgment, this Court modified the Tribunal's award dated 5th February, 2007, and specifically directed the Union of India to frame a Scheme to facilitate compliance with and implementation of the judgment. The present application would, therefore, require this Court to assume, in effect, the role of the very authorities constituted to oversee implementation of the water-sharing arrangements. Such a course would be neither warranted nor appropriate, particularly when the designated expert bodies remain seized of the matter.

14. In view of the foregoing, we are not inclined to entertain the present application. The same is, accordingly, dismissed.

15. Pending application(s), if any, shall stand disposed of.

MISCELLANEOUS APPLICATION NO. 2843 OF 2026 IN C.A. NO. 2453 OF 2007

16. The present application has been filed by the State of Tamil Nadu seeking, *inter alia*, the following reliefs: -

> "a. Direct State of Karnataka to ensure and implement the decision of CWMA dated 08.09.2026 to ensure the supply of 6,000 cusecs from 09.09.2026 to 23.09.2026;
> b. Direct State of Karnataka to make good short fall during the period of 01.06.2026 to 09.09.2026, in the current irrigation year on pro rata basis, at

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> Billigundulu of 16.01 TMC be released forthwith; and
> c. pass such further order or any other orders that this Hon'ble Court made him fit inappropriate in the cirque stance of the case."

17. Pursuant to the directions issued by the CWMA on 30th July, 2026, the respondent-State of Karnataka was required to ensure the release of water at the rate of 3,500 cusecs for fifteen days commencing from 29th July, 2026. As discussed hereinabove, the respondent-State subsequently made good the shortfall in compliance with the said directions.

18. Thereafter, on 8th September, 2026, the CWMA convened its 57th meeting to consider, *inter alia*, the deficient monsoon inflows into the reservoirs in the Cauvery basin. Upon deliberation, the CWMA took the following decision: -

> "1. The Authority has discussed the issue in detail and taking into consideration the live storage position of the designated reservoirs in the State of Karnataka and Tamil Nadu, declining trend in the gross inflows into the 04 reservoirs of Karnataka, G&D data of the CWC site u/s of KRS and Kabini, outlook/forecast of the rainfall activity during the next fortnight, provided by the IMD representative during the meeting, deficient contribution from the un-intercepted catchment (d/s of KRS & Kabini upto Billigundulu), requirement of Karnataka and Tamil Nadu for meeting the respective drinking water, industrial and environment flow requirements during the remaining period of the current water year 2026-27, near fag end of the

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> south-west monsoon, Northeast monsoon, benefiting Tamil Nadu, more than Karnataka and adopting Akash approach due to the IMD's forecast and highlighting the El Nino conditions, the member from state of Karnataka needs to ensure releases from its devour so that the daily average flows at the rate of 6000 cusecs are realized at Billigundulu, starting from 09.09.2026 (8:00 AM) for the next 15 days.
>
> 2. The members of the party States need to further enhance water conservation efforts, improve reservoir management and make judicious use of available water by prioritizing the releases for beating drinking water, industrial and environment flow requirements only.
>
> 3. The members of the party State/UT need to coordinate with officers in the agriculture department for issuing suitable advisories from time to type for farming community to encourage them to follow whether based advisories and adopt suitable agriculture practices."

19. We have heard learned senior counsel appearing for both parties and perused the material available on record.

20. With regard to the first prayer, the assertions advanced by the applicant-State of Tamil Nadu have been categorically disputed by the respondent-State of Karnataka. The respondent-State has further submitted that it has complied with the directions issued by the CWMA on 8th September, 2026, and has

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released a quantity of water in excess of that stipulated therein.[3]

21. As regards the second prayer, the alleged shortfall and its quantification involve an assessment of distress and the flows across the entire Cauvery basin, which fall within the domain of the CWRC and the CWMA. The said authorities have been constituted precisely for this purpose and are entrusted with examining such issues, taking into account the prevailing hydrological conditions and the framework governing the sharing of Cauvery waters. This Court having already determined the inter-State allocation and the governing principles for such sharing, we do not consider it appropriate to issue a separate direction to either State on the basis of the disputed calculations placed before us. The matter shall, accordingly, be left to be considered by the CWRC and the CWMA in accordance with law.

22. Lastly, learned senior counsel appearing for the applicant-State of Tamil Nadu contended that its concerns regarding the shortfall in water releases at Billigundulu were not being adequately addressed by the CWRC and the CWMA. We are unable to accept this contention. As recorded in our order dated 31st August 2026, this Court had been apprised that the CWRC

[3] Paragraph 5.1.6 of Short reply filed by State of Karnataka, being No. 311335 of 2026.

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convenes meetings every fifteen days and, after reviewing the prevailing situation and hearing the parties concerned, issues appropriate directions. Further, we have perused the minutes of the meetings of the CWRC and the CWMA held on 8th September, 2026. A perusal thereof reveals that both authorities considered the submissions made by all the States, including the parties herein, and specifically addressed the grievances raised by the applicant-State of Tamil Nadu.

23. The respondent-State of Karnataka in their reply[4] filed have specifically contended that CWMA has considered all the flows up to four reservoirs and factored the flows in the intermediate catchment and catchment below the inter-State border lying in Tamil Nadu, which has been taken note in the proceedings of each of meetings of 30th July, 2026, 11th August, 2026, 25th August, 2026, 8th September, 2026 and 24th September, 2026 held under the aegis of CWMA.

24. This is further fortified upon perusal of the minutes of 58th meeting of CWMA held on 24th September, 2026. CWMA, upon noting the submissions of Member (Water Resources), has categorically held that it can be

[4] I.A. No. 311335 of 2026.

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concluded that there is no backlog shortfall.[5] CWMA thereafter issued further directions to the respondent-State of Karnataka to ensure that the daily average flows stipulated by this Court are maintained, with compliance being monitored by the CWRC and the CWMA.

25. In view of the aforesaid submissions, we are not inclined to entertain the present application. The same is, accordingly, dismissed.

26. Pending application(s), if any, shall stand disposed of.

MISCELLANEOUS APPLICATION @ DIARY NO. 46291 OF 2026 IN C.A. NO. 2453 OF 2007

27. The present miscellaneous application has been filed by the Dravida Munnetra Kazhagam in the disposed-of civil appeal.

28. In our considered opinion, the concerns raised by the applicant are adequately represented by the State of Tamil Nadu. The scope of the award dated 5th February, 2007, passed by the Cauvery Water Disputes Tribunal, as affirmed and modified by this Court *vide* judgment dated 16th February, 2018, in Civil Appeal No. 2453 of 2007, ought not to be enlarged by entertaining and adjudicating upon claims or objections raised by an

[5] Paragraph 2 on Page 12 of the Minutes of 58th meeting of CWMA held on 24th September, 2026.

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applicant who was not a party to the original proceedings before the Tribunal.

29. In view of the foregoing, we are not inclined to entertain the present application. The same is, accordingly, dismissed.

30. Pending application(s), if any, shall stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[APARESH KUMAR SINGH]

NEW DELHI;
NOVEMBER 20, 2026