



No.D1/LND/FC-460216/CR/2025-26.

Dated:14-10-2025

To,
✓ The Chief Conservator of Forests,
Belagavi Circle, Belagavi.

Sir,

- Subject: Diversion of 26.9255ha(Revised to 33.0507 Ha) of forest land for construction of diversion weir Jackwell cum pump house, electrical substation, pipe line and power line in Kanakumbi, chorle & Parawad villages of Khanapur Taluka in Belagavi District under Kalasa Nala Diversion scheme reg. (**Proposal No. FP/KA/Water/157327/2022**).
- Reference: 1) EDS raised by IRO, MoEF& CC through PARIVESH Portal on 09-07-2025
2) Letter No.ಬೆಲಗಾವಿ/ವಿವಿ/ರಾ/ವಿವಿ-10/202425 Dated:16-08-2025 of Prinipal Chief Conservator of Forests (Wildlife), and Chief Wildlife Warden, Bengaluru
3) This office even letter No.D1/LND/FC-460216/CR/2025-26/1898 & 1899, dated:29-09-2025.
4) Letter No.KNNL/KPD/PB/Bhandura/FC/EDS-C/2025-26/1330, date:06-10-2025 of Executive Engineer, KNNL, Kalasa Project Division, Khanapur

With reference to the above subject, the information sought vide reference (1) relating to EDS Nos. 1 to 2 raised by Ministry of Environment, Forest, and Climate Change (MOEF), Government of India. The User Agency sought information vide reference (4) and reply is as follows;

EDS Sl.No.	Query Description	Clarifications
1	Necessary clearance as per prescribed under MoEF & CC guideline dated 17/05/2022	The User Agency has complied that, as per the directions of IRO, MOEFCC, Bengaluru in the 68 th REC meeting held on 20-01-2023, application seeking NBWL recommendation has been uploaded in Parivesh portal on 31-05-2023 vide proposal No.WL/KA/DRKWATER/431333/2023. Currently the proposal is pending with MOEF & CC, New Delhi for consideration and recommendation.

2	The comprehensive view/ comments of the Government of Karnataka on the issue raised by the Secretary, Water Resource, Government of Goa including legal/Court orders in his letter dated 24/01/2023, as requested by this office vide letter dated 31/01/2023 is also provided,	The User Agency has complied that, comments/replies on the issue raised by Secretary, Water Resource, Government of Goa including legal/Court orders in its letter dated 24-01-2023 (as requested by the IRO, MoEF & CC, Bengaluru, letter dated:31-01-2023) were submitted to the DDGF (C), MoEF & CC, Bengaluru by the ACS to Government, FEE Department, Government of Karnataka vide letter No:FEE/203/ACS/2024, dated:16-10-2024 the copy of the same is appended to this compliance.
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Your sincerely,


 Deputy Conservator of Forests,
 Belagavi Division, Belagavi.



ಕರ್ನಾಟಕ ನೀರಾವರಿ ನಿಗಮ ನಿಯಮಿತ
(ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಉದ್ಯಮ)
Karnataka Neeravari Nigam Limited

(A Government of Karnataka Undertaking)

Office of the Executive Engineer

Kalasa Project Division, Khanapur

Belagavi District - 591302

Phone: 08336-223163

E-mail : eekpdkhanapur@gmail.com

ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರ ಕಛೇರಿ,

ಕಳಸಾ ಯೋಜನಾ ವಿಭಾಗ, ಖಾನಾಪುರ

ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ - 591302

No:KNNL/KPD/KNP/PB/Kalasa/FC/EDS-C/2025-26/1261 Date: 23/09/2025

To,

✓ **The Deputy Conservator of Forests,**

Belagavi Forest Division

Karnataka Forest Department,

Belagavi.

Sir,

Sub: Diversion of 26.9255 Ha forest land for construction of diversion weir, Jackwell cum pump house, electrical substation, pipe line and power line in Kanakumbi & other villages for construction of Kalasa Nala Diversion Scheme-
Submission of compliance to EDS raised by IRO, MOEFCC, Bangalore - reg

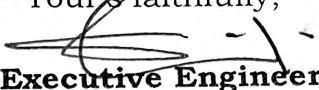
Ref: 1. EDS raised by IRO, MoEF & CC dated: 07.09.2023 & 29.09.2023

Adverting to the above referred subject, please find below the compliance to the EDS raised by IRO, MoEF & CC vide ref (1) for onward consideration.

Sl. No.	Query Description	Compliance
1	Necessary clearance as per prescribed under MoEF & CC guideline dated 17/05/2022	As per the directions of IRO, MOEFCC, Bangalore in the 68 th REC meeting held on 20.01.2023, application seeking NBWL recommendation has been uploaded in Parivesh portal on 31.05.2023 vide proposal no. WL/KA/DRKWATER/431333/2023. Currently the proposal is pending with MoEF & CC, New Delhi for consideration and recommendation.
2	The comprehensive view/comments of the Government of Karnataka on the issues raised by Secretary, Water Resource, Government of Goa including legal/Court orders in his letter dated 24/01/2023, as requested by this office vide letter dated 31/01/2023 is also provided.	The comments/replies on the issues raised by Secretary, Water Resource, Government of Goa including legal/Court orders in his letter dated 24/01/2023 (as requested by this IRO, MoEF&CC, Bengaluru letter dated 31/01/2023) were submitted to the DDGF(C), MoEF&CC, Bengaluru by the ACS to Government, FEE Department, Government of Karnataka vide letter No: FEE/203/ACS/2024, dated: 16.10.2024. The copy of the same is appended to this compliance.

Hence, you are hereby requested to kindly consider the above for onward recommendation of Stage-I forest clearance for the project.

Your's faithfully,


Executive Engineer

KNNL, Kalasa Project Division
Khanapur Belagavi

ಎನ್. ಮಂಜುನಾಥ ಪ್ರಸಾದ್, ಭಾ.ಆ.ಸೇ.
ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ
ಅರಣ್ಯ, ಜೀವಪರಿಸ್ಥಿತಿ ಮತ್ತು ಪರಿಸರ ಇಲಾಖೆ



N. MANJUNATHA PRASAD, I.A.S
Additional Chief Secretary to Govt.
Forest, Ecology and Environment
Department

D.O. No. FEE/203/ACS/2024

16th October 2024

The Deputy Director General of Forests (C),
Ministry of Environment, Forest and Climate Change,
Integrated Regional Office Kendriya Sadan,
4th Floor, E&F Wings, 17th Main Road,
Koramangala II Block,
Bangalore – 560034

Sir,

Sub: Diversion of forest land for construction of diversion wier, Jack well etc for utilization of (Kalasa Nala) drinking water to Hubli-Dharwad twin cities and other surrounding areas in favour of Executive Engineer, Karnataka Neeravari Nigam Ltd (KNNL), Kalasa Project Division, Khanapur-reg.

Ref: Your Office letter no.4-KRC1412/2022-BAN/266 dated: 31.01.2023

Reference is invited to your letter dated 31.01.2023 seeking a reply from the State of Karnataka on the letter dated 24.01.2023 sent by the State of Goa requesting not to grant permission to any of the projects concerning “Kalasa and Bhandura rivulets (nallah)”. In this regard, the State of Goa has erroneously alleged(i) a breach of the orders of the Hon’ble Supreme Court; and (ii) a breach of the provisions of the Wild Life (Protection) Act,1972.

The reply of the State of Karnataka against both the allegations are as follows:

1. IN RE: ALLEGED VIOLATION OF ORDER DATED 17.08.2017 PASSED BY THE HON’BLE SUPREME COURT IN I.A.NO. 1804 AND 2526 IN W.P. (C) 202 OF 1995:

The State of Goa (para 5) of the letter dated 24.01.2023 has alleged a violation of the order dated 17.08.2017 passed by the Hon’ble Supreme Court. I may inform you that the State of Goa had already filed an application being I.A.No.10024/2023 before the Hon’ble Supreme Court on 13.01.2023 alleging violation of the above order dated 17.08.2017 (Para 19). A prayer was made at prayer (c) to stay the construction activities at Kalasa Bhandura project. However, the Hon’ble Supreme Court by its order dated 13.02.2023 “disposed of” the said application without entertaining any of the prayers including prayer (c). A true copy of the order dated 13.02.2023 passed by the Hon’ble Supreme Court is enclosed for ready reference.

..2..

..2..

Secondly, an individual namely Vishant Vasudev Vaze filed I.A.No.26663/2023 in W.P. (C) No.202/1995 before the Hon'ble Supreme Court (Forest Bench) specifically alleging violation of the order dated 17.08.2017 (Para 23). A prayer to stop the work was also made in prayer (d). The State of Karnataka filed its detailed reply affidavit dated 17.04.2023 wherein it specifically clarified that –“ *The State of Karnataka submits that it would comply with all the applicable laws before resuming the construction of the Kalasa-Bhandura Projects (the work was stopped earlier as recorded in the order dated 17.08.2017 as submitted above...*” The Hon'ble Supreme Court “disposed of” this application without entertaining any of the prayers including prayer (d). True copy of the order dated 19.04.2023 passed by the Hon'ble Supreme Court is enclosed herewith for ready reference.

I submit that Karnataka has not violated the order dated 17.08.2017 as alleged (para 5) of the above letter of the State of Goa dated 24.01.2023. The Hon'ble Supreme Court has twice declined to entertain the allegation of violation as submitted above. Therefore, the issue is res judicata and in any case, there is no merit in the allegation made by the State of Goa.

2. IN RE: ALLEGED VIOLATION OF WILD LIFE(PROTECTION) ACT, 1972:

The State of Goa in the letter dated 24.01.2023 has alleged a violation of notice dated 19.01.2023 issued under Section 29 of the Wild Life (Protection) Act, 1972¹ by the Chief Wild Life Warden of Goa. Subsequently, on 29.03.2023, the Chief Wild Life Warden of Goa passed the order restraining Karnataka from constructing Kalasa Bhandura Project. However, I submit that the show cause notice dated 19.01.2023 and consequent order dated 29.03.2023 are unilateral actions of the State of Goa, which are not binding on the State of Karnataka. Neither the State of Goa nor any of its officials including Wild Life Warden has any jurisdiction to act beyond the territory of Goa. The direction to the Government of Karnataka or its officials in respect of the

¹[29. Destruction, etc., in a sanctuary prohibited without a permit.—No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the 4 [National Board] that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit: Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal bona fide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

5 [Explanation.—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, including the bona fide use of drinking and household water by local communities until they are settled, shall not be deemed to be an act prohibited under this section.]

Kalasa and Bhandura Projects which are situated wholly within the territorial limits of the State of Karnataka is ex facie illegal and unconstitutional. Therefore, the notice and order are non-est. No cognizance of such orders should be taken by the Central Govt while exercising its powers under the Forest Conservation Act, 1980. No State has the right or authority to interfere in the exercise of powers vested under the Central laws. It's wholly contrary to the cooperative federalism. A specific mandate under Article 256 of the Constitution² is that the executive powers of the States shall be exercised to ensure compliance to the laws made by the Parliament and in this regard, the Central Government has the executive power to issue directions to the States. This provision implies that the State shall not impede in the exercise of the powers by the Central Government vested under the Central laws. The Central Government has both powers and responsibility to issue direction to the State of Goa including its Chief Wild Life Warden to withdraw the show cause notice dated 19.01.2023 and consequent order dated 29.03.2023. Because the said order of State of Goa impedes or obstructs the implementation of two Central laws – The Forest Conservation Act of 1980 and the decision of the Mahadayi Water Disputes Tribunal gazetted under Sec 6(1) of the Inter-State River Water Disputes Act of 1956. The State of Karnataka has also applied to the Hon'ble Supreme Court on 18.10.2023, inter alia, praying to take on record the order dated 29.03.2023 and declare it as illegal. In view of the above, I submit that there is no violation of the provision of the Wild Life (Protection) Act, 1972.

With regards,

Yours sincerely,



(N. MANJUNATHA PRASAD) 16/10/2024
Additional Chief Secretary to Government
Forests, Ecology & Environment

Encl: as above.

²256. Obligation of States and the Union.—The executive power of every State shall be so exercised as to ensure compliance with the laws made by Parliament and any existing laws which apply in that State, and the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Government of India to be necessary for that purpose.

ITEM NO.6

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 32517/2018

(Arising out of impugned final judgment and order dated 14-08-2018
in REF No. 1/2011 passed by the Mahadayi Water Disputes Tribunal)

STATE OF MAHARASHTRA

Petitioner(s)

VERSUS

STATE OF GOA CHIEF ENGINEER & ANR.

Respondent(s)

WITH

SLP(C) No. 19312/2019 (XVII)

(IA No. 10024/2023 - CLARIFICATION/DIRECTION)

Date : 13-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Mr. Deepak Nargolkar, Sr. Adv.
Mr. Soumik Ghosal, AOR
Mr. Gaurav Singh, Adv.

Mr. Darius Khambatta, Sr. Adv.
Mr. Venkatesh Dhond, Sr. Adv.
Mr. Devidas Pangam, AG, Goa
Mr. Nikhil Vaze, Adv.
Mr. Ninad Laud, Adv.
Mr. Abhay Anil Anturkar, Adv.
Mr. Shubham Priolkar, Adv.
Mr. Tushar Hathiramani, Adv.
Mr. Vishnuprasad Lawande, Adv.
Mr. Sanjay Sardesai, Adv.
Mr. Ivo Dcosta, Adv.
Mr. Shivdutt Munj, Adv.
Mr. Geetesh Shetye, Adv.
Mr. Ajay Borkar, Adv.
Mr. Dhruv Tank, Adv.
Ms. Surbhi Kapoor, AOR

Signature Not Verified
Digitally signed by
BABITA PANDHEY
Date: 2023.02.14
18:44:18
Reason:

For Respondent(s)

Mr. Darius Khambatta, Sr. Adv.
Mr. Devidas Pangam, AG, Goa
Mr. Venkatesh Dhond, Sr. Adv.
Mr. Nikhil Vaze, Adv.

Mr. Ninad Laud, Adv.
Mr. Abhay Anil Anturkar, Adv.
Mr. Shubham Priolkar, Adv.
Mr. Tushar Hathiramani, Adv.
Mr. Vishnuprasad Lawande, Adv.
Mr. Sanjay Sardesai, Adv.
Mr. Ivo Dcosta, Adv.
Mr. Shivdutt Munj, Adv.
Mr. Geetesh Shetye, Adv.
Mr. Ajay Borkar, Adv.
Mr. Dhruv Tank, Adv.
Ms. Surbhi Kapoor, AOR

Mr. Shyam Divan, Sr. Adv.
Mr. Prabhuling K Navadgi, AG, Karnataka
Mr. Mohan V. Katarki, Sr. Adv.
Mr. M.b. Zirali, Adv.
Mr. V. N. Raghupathy, AOR
Mr. P.n. Rajeswara, Adv.
Mr. Nishanth Patil, Adv.
Mr. Ashwin Chikkmath, Adv.

Mr. Deepak Nargolkar, Sr. Adv.
Mr. Soumik Ghosal, AOR
Mr. Gaurav Singh, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

I.A. Nos. 19497/2023 and 29737/2023 in SLP(C) No. 19312/2019 for filing additional documents/facts/annexures are allowed, subject to all just exceptions.

I.A. No. 10024/2023 in SLP(C) No. 19312/2019

Our attention is drawn to order dated 2.3.2020 in I.A. No. 34986/2020 in SLP(C) No. 19312/2019, which refers to Clause-X and other clauses of the award dated 14.8.2018 of the Mahadayi Water Disputes Tribunal, which was notified in the Official Gazette on 27.2.2020. In our opinion, the said order is binding on the parties.

During the course of hearing, it is brought to our notice

that the issue whether permission under the Wild Life (Protection) Act, 1972 is required, is *sub judice* and pending consideration of the Chief Wildlife Warden under Section 29 of the said Act. It appears that in this regard there may be variation in the stand of the State of Karnataka and State of Goa. We need not, at this stage, comment on the said issue, as the question is pending before the Chief Wildlife Warden.

Liberty is granted to the parties to file fresh application, if required and necessary.

We also record the statement made on behalf of the State of Karnataka that revised Detailed Project Report (DPR) alongwith approval(s) would be uploaded within a period of 10 days from today, and information/details would be furnished to the Advocate-on-Record appearing for the State of Goa. Recording the aforesaid, I.A. No. 10024/2023 is disposed of.

Re-list in the month of July, 2023.

(DEEPAK GUGLANI)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

ITEM NO.35

COURT NO.8

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 32517/2018

(Arising out of impugned final judgment and order dated 14-08-2018 in REF No. 1/2011 passed by the Mahadayi Water Disputes Tribunal)

THE STATE OF MAHARASHTRA

Petitioner(s)

VERSUS

THE STATE OF GOA CHIEF ENGINEER & ANR.

Respondent(s)

(I.A. No. 34986 of 2020 in SLP(C) No. 19312/2019 is to be listed against this item.)

WITH

SLP(C) No. 19312/2019 (XVII)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 34986/2020

IA No. 34986/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 02-03-2020 These petitions were called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Arvind P. Datar, SR. Adv.
Mr. Devidas Pangam, Adv. Gen.
Mr. Pratap Venugopal, AOR
Ms. Surekha Raman, Adv.
Ms. Ayushi Gaur, Adv.
Mr. Akhil Abraham Roy, Adv.
Mr. Vijay Valsan, Adv.Mr. Deepak Nargolkar, Sr. Adv.
Mr. Soumik Ghosal, AOR
Mr. Gaurav Singh, Adv.

For Respondent(s)

M/S. K J John And Co, AOR

Mr. Prabhuling K. Navadgi, Adv. Gen.
Mr. Shyam Divan, Sr. Adv.
Mr. Mohan V. Katarki, SR. Adv.
Mr. V. N. Raghupathy, AOR
Mr. P.N. Rajeshwar, Adv.
Mr. Nishant Patil, Adv.
Mr. Ashwin Chikkmath, Adv.
Ms. Sanam Tripathi, Adv.

Mr. Soumik Ghosal, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA No 349864 of 2020 in SLP(C) No. 19312/2019

IA No 349864 of 2020 has been moved by the State of Goa. The following directions have been sought in the interlocutory application:

"(a) pass an order restraining respondent nos 1 and 2 i.e. the State of Karnataka and the State of Maharashtra respectively, from taking any steps and/or from carrying out of any activity in purported implementation of the Award dated 14 August 2018 of the Tribunal;

(b) pass an order restraining respondent no 1 from acting upon any and/or all clearances/approvals obtained from Central Agencies/Authorities/Union Government with respect to the consumptive uses within the basin and/or diversion of water out side the basin at the proposed Kalasa dam site or at all; and

(c) pass an order directing a join inspection by the respective Officials of Petitioner and Respondent nos 1 and 2, headed either by an Assessor from the Mahadayi Water Disputes Tribunal, or a Chief Engineer level officer of the Central Water Commission of the site viz. Kalasa river at Kankumbi village or near about thereto on such day as may be deemed convenient by this Hon'ble Court."

On 20 February 2020, this Court passed the following order on

IA No. 109720/2019:

"The State of Karnataka has filed an interlocutory application for a direction to the Union of India to publish the award dated 14 August 2018 of the Mahadayi Water Disputes Tribunal.

The prayer is not opposed by Mr Arvind P Datar, learned Senior Counsel appearing on behalf of the State of Goa or by Mr Deepak Nargolkar, learned

Senior Counsel appearing on behalf of the State of Maharashtra.

The interlocutory application is allowed, subject to the result of the pending proceedings."

Following the above order of this Court, the Award of Mahadayi Water Disputes Tribunal dated 14 August 2018 has been notified in the Gazette of India on 27 February 2020.

Mr Mukul Rohatgi, learned Senior Counsel appearing on behalf of the State of Goa, submits that the interlocutory application has been instituted because of certain statements attributed to the Chief Minister of Karnataka in the print media. The attention of the Court is drawn to Clauses-X, XI and XII of the operative directions contained in the Award of the Tribunal. For convenience of reference, these directions are extracted below:

"Clause-X

The Order passed by this Tribunal on 17.4.2014, while disposing I.A. No. 1 of 2012 filed by the State of Goa, will continue to be operative and will stand vacated or revoked only after:

(i) The State of Karnataka prepares revised Detailed Project Report(DPR) for consumptive uses within the basin or diversion of water outside the basin including the reservoir losses and other related matters for not more than 1.72 tmc at the proposed Kalasa dam site as permitted under Clause VIII & IX;

(ii). The revised DPR of Diversion Scheme at Kalasa Dam site is appraised by the Central Agencies and is duly cleared;

(iii). All mandatory clearances are obtained as per law; and

(iv) The State of Karnataka is allowed to take up works as per duly approved revised DPR either by the Mahadayi Water Management Authority or the Union Government.

Clause-XI

The Order passed by this Tribunal on 11.2.2015, while disposing I.A. No. 28 of 2012 filed by the State of Goa, will continue to be operative and will stand vacated or revoked only after:

(i) The State of Maharashtra prepares revised Detailed Project Report (DPR) of Viridi Large MI Project limiting to consumptive use of 0.56 tmc of water including reservoir losses and other related matters as permitted under Clause VIII & IX;

(ii) The revised Detailed Project Report of Viridi Large MI Project is appraised by the Central Agencies and is duly cleared;

(iii) All mandatory clearances are obtained as per law; and

(iv). The State of Maharashtra is allowed to take up works as per duly approved revised Detailed Project Report either by the Mahadayi Water Management Authority or the Union Government.

Clause-XII

The Central Government shall constitute an Authority, called 'Mahadayi Water Management Authority' to implement the Report and final decision of Mahadayi Water Disputes Tribunal with functions and compositions etc. as mentioned at para 1350 to para 1369 of this Report;"

In view of the above directions, it is evident that the order passed by the Tribunal on 17 April 2014 while disposing of IA No 1 of 2012 filed by the State of Goa is to continue in operation while certain conditions fulfilled. Hence, there is no reason to entertain the interlocutory application which has been instituted by the State of Goa having regard to the above directions which have been issued by the Mahadayi Water Disputes Tribunal. The Court has also been apprised of the fact that applications have been

moved before the Tribunal by all the three States.

The Interlocutory Application is, accordingly, disposed of.

(ASHWANI KUMAR)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER