

# BABHALI BARRAGE ISSUE

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1. The State of Andhra Pradesh in May, 2005 brought to the notice of the Central Government that Government of Maharashtra was constructing Babhali barrage in the submergence area of Pochampad Project (Sriramsagar Project) in violation of the Godavari Water Dispute Tribunal (GWDT) award dated 7.07.1980. Babhali barrage is located on the main Godavari River in Nanded district; 7.0 km upstream of Maharashtra – Andhra Pradesh border. The Pochampad dam on Godavari River is 81 km downstream of Babhali barrage. Pochampad storage stretches to a distance of 32 km within Maharashtra territory and its submergence is contained within river banks in its territory under static conditions.
2. Andhra Pradesh complains that construction of Babhali barrage will interfere with natural and continuous flow of water by stopping the freshes into Pochampad reservoir resulting in Pochampad project getting water only when the Babhali barrage gets filled up.
3. In this regard, Member, Central Water Commission (CWC) held two meetings with officers of the States of Andhra Pradesh and Maharashtra on 11.7.2005 and 5.10.2005. Besides, another meeting was held between the officers of the States of Andhra Pradesh and Maharashtra in 2005. Another interstate meeting was taken by Union Minister of Water Resources with the Chief Ministers of concerned States on 4.04.2006 in which following decisions were taken.
  - i. A Technical Committee headed by Chairman or by a senior officer of Central Water Commission and consisting of representatives of the States shall go into the details of various issues involved in Babhali Barrage project. The Technical Committee shall submit a report as early as possible but not later than 20th May, 2006
  - ii. Till the Technical Committee submits its report, the status quo in respect of activities of the Babhali barrage project shall be maintained and further construction work will not be done by the State of Maharashtra.
4. In view of above, two meetings of the Technical Committee were held in CWC on 26.4.2006 and 19.5.2006. The Technical Committee, however, could not submit the

report due to non-submission of detailed proposals by the Government of Andhra Pradesh in respect of suggestions made during the meetings.

5. In July 2006, the Government of Andhra Pradesh filed in the Supreme Court an Original Suit No. 1 of 2006, State of Andhra Pradesh v/s State of Maharashtra & Ors under Article 131 of Constitution of India. In the Suit, the State of Andhra Pradesh has prayed to the Court to grant a permanent injunction restraining State of Maharashtra from undertaking or proceeding with the construction of Babhali Barrage within the reservoir water spread area of Pochampad Project.
6. The Honourable Supreme Court in their hearing dated 26th April, 2007 passed the following interim order.
  - i. "Though the State of Maharashtra may go-ahead with the construction of the Babhali barrage, it shall not install the proposed 13 gates until further orders;
  - ii. As the State of Maharashtra is permitted to proceed with the construction at its own risk, it will not claim any equity by reason of the construction being carried on by it."
7. The Government of Andhra Pradesh vide letter dated 25.06.2009 informed that it has been reported in the media that Maharashtra Government is going to install the gate and impound water in Babhali Barrage. They requested that a team of CWC officials may be deputed to inspect the barrage and submit factual report. CWC team visited the Babhali barrage project site on 25.07.2009 and submitted the report after visit. Report has been sent to Government of Andhra Pradesh on 10.08.2009. The report mentions that fabrication and erection of gates at pier's top is in progress but gates have not been installed and there was no obstruction to the natural flow of river at the time of visit.
8. Honourable Supreme Court on 28th February 2013 delivered its judgment in the Original Suit No. 1 of 2006, State of Andhra Pradesh Vs. State of Maharashtra & Ors. The operative part of the judgment reads as follows.

"...a three member supervisory committee is constituted. The committee shall have one representative from the Central Water Commission and one representative each from the two states, Andhra Pradesh and Maharashtra. The representative of Central Water Commission shall be Chairman of the committee. The Committee shall select the place for its office which shall be provided by Maharashtra. Maharashtra shall bear the entire expenditure of the Committee. The powers and functions of the supervisory committee shall be as follows:

- i. The committee shall surprise (supervise) the operation of the Babbali barrage.
- ii. The committee shall ensure that
  - a. Maharashtra maintains Babbali barrage storage capacity of 2.74 TMC of water out of the allocation of 60 TMC given to Maharashtra for new projects under the agreement dated 06.10.1975
  - b. The gates of Babbali barrage remain lifted during the monsoon season, i.e., July 1 to October 28 and there is no obstruction to the natural flow of Godavari river during monsoon season below the three dams mentioned in Clause II (i) of the agreement dated 06.10.1975 towards Pochampad dam. [As per the Clause "From the waters in the area of Godavari basin below Paithan dam site on the Godavari and below Siddeswar dam site on the Purna and below Nizamsagar dam site on the Manjra and up to Pochampad dam site on the Godavari, Maharashtra can utilize waters not exceeding 60 TMC for new projects including any additional use over and above the present sanctioned or cleared utilization, as the case may be"- not part of Original Judgment.]
  - c. During the non-monsoon season i.e., from October 29 till the end of June next year, the quantity of water which Maharashtra utilizes for Babbali barrage does not exceed 2.74 TMC of which only 0.6 TMC forms the common submergence of Pochampad reservoir and Babbali barrage.
  - d. Maharashtra does not periodically utilize 2.74 TMC from time to time.
  - e. Maharashtra releases 0.6 TMC of water to Andhra Pradesh on 1st March every year.
  - f. Maharashtra maintains the capacity of Balegaon barrage to 1.5 TMC. Out of this 0.9 TMC is adjusted from sanctioned utilization of Vishnupuri project upstream and 0.6 TMC remains the intercepted storage of Babbali barrage."

9. In compliance to the Honourable Supreme Court Judgment dated 28th February 2013, a three member Supervisory Committee comprising Member, Central Water Commission (CWC) as Chairman and Principal Secretary to Government (Projects), Irrigation & CAD Department, Government of Andhra Pradesh and Principal Secretary, Water Resources Department, Government of Maharashtra as members was constituted vide Office

Memorandum No. 18/5/2013-Pen. River/994-1002 dated 24th October, 2013. The Supervisory Committee on Babbali Barrage has held four meetings, on 27.02.2014, 30.06.2014, 17.10.2014 and 4.02.2015 so far.

10. Consequent to the enactment dated 1st March, 2014 of Andhra Pradesh Reorganization Act, 2014 (No. 6 of 2014), the hitherto State of Andhra Pradesh has been bifurcated into two States i.e. State of Telangana and remaining districts as State of Andhra Pradesh. As the judgment dated 28th February, 2013 of the Honourable Supreme Court for constitution of a Supervisory Committee on Babbali Barrage came much before this enactment, the nominee of State of Andhra Pradesh for the said Supervisory Committee is required to be accordingly aligned. Accordingly, an application for seeking clarification/direction of Honourable Supreme Court with reference to nomination for the Supervisory Committee on Babbali Barrage consequent to enactment of the Andhra Pradesh Reorganization Act, 2014 (No. 6 of 2014) has been filed in the Honourable Supreme Court. The matter is yet to be taken up by the Honourable Supreme Court.