

**CM No. 123-CWPIL-2025 in
CWP PIL No. 101 of 2025 (O&M)**

Gram Panchayat, Matana, Fatehabad Vs. State of Punjab and others

Present:- Mr. R.Kartikeya, Advocate,
Ms. R.Akanksha, Advocate,
for the applicant-petitioner (through v.c.)

Mr. Gurminder Singh, Sr. Advocate (through v.c.) with
Mr. Chanchal Kumar Singla, Addl. Advocate General, Punjab,
Mr. Maninder Singh, Addl. Advocate General, Advocate,
Mr. Salil Sabhlok, Sr. Deputy Advocate General, Punjab
for the respondent-State of Punjab.

Mr. Pravindra Singh Chauhan, Advocate General, Haryana with
Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the respondent-State of Haryana (through v.c.).

Mr. Rajesh Garg, Senior Advocate with
Mr. R.K.Narwal, Advocate,
Ms. Neha Matharoo, Advocate for BBMB.

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Senior Counsel for respondent-Union of India
(through v.c.).

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CM No. 123-CWPIL-2025 is filed in respect of final order
passed on 06.05.2025 in CWP-12858-2025, CWP-PIL-100-2025 and
CWP-PIL-101-2025, wherein this Court had directed thus:-

“8. In the light of the aforesaid discussion and the limited expertise available to this Court in the subject of management of water between two or three States, this Court deems it appropriate to dispose of all these petitions in the following terms:-

i) State of Punjab and any of its functionaries including police personnel are restrained from interfering in the day-to-day functioning, operation and regulation of the Bhakra Nangal Dam and Lohand control Room water Regulation offices managed by BBMB.

ii) However, the State of Punjab is always free to extend security to the Bhakra Nangal Dam and the personnel of BBMB as per law.

iii) State of Punjab is directed to abide by decision of the meeting held on 02.05.2025 under the Chairmanship of the Home Secretary to the Government of India.

iv) In case the State of Punjab is not agreeable to any decision taken by the Bhakra Beas Management Board, then it is free to

invoke Explanation-II to Rule 7 of the 1974 Rules by making a representation to the Central Government through the Chairman of the BBMB, which if made, shall be decided by the Central Government, expeditiously.”

2. C.M. No. 123-CWPIL-2025 is filed by Gram Panchayat, Matana, District Fatehabad, Haryana, who were petitioners in CWP-PIL-101-2025 praying for the following reliefs:-

- i. Direct respondent-State of Punjab and its instrumentalities and officers to release the Chairman and officers of respondent No. 3 from the illegal detention/custody;*
- ii. Initiate proceedings under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act for initiation against the officials of the State of Punjab for willful disobedience and obstruction in the compliance of the order dated 06.05.2025 passed by this Hon’ble Court’*
- iii. Direction respondent No. 4 for deploying central forces/CISF forthwith in light of the obstruction, hindrance and law and order situation created by the State of Punjab at Bhakra Nangal Dam and Lohand Control Room Water Regulation;*
- iv. Grant of any other relief which this Hon’ble Court may deem fit in the facts and circumstances of the present case.*

3. The prayer made in C.M. No. 123-CWPIL-2025 is for a direction to release Chairman of the Bhakra Beas Management Board (BBMB) which has undisputedly become infructuous since the rival parties do not dispute that the Chairman of BBMB is no more in custody or under any kind of physical restraint.

4. The third prayer is for deployment of Central Forces/CISF to prevent any further obstruction/hindrance by the functionaries of the State of Punjab in the day to day functioning of the Bhakhra Nangal Dam & Lohand Control Room Water Regulation Offices. The aforesaid prayer for deployment of paramilitary force has already been considered in para 7.5 of order dated 06.05.2025 which continues to hold the field and thus this Court refrains from saying anything on-merits.

5. The only other substantive remaining prayer made in C.M. No. 123-CWPIL-2025 is for initiating action under the Contempt of Courts Act read with Article 215 of the Constitution of India against the officials of the State of Punjab for willful disobedience of the order dated 06.05.2025.

6. On the last occasion i.e. 08.05.2025, when CM No. 123-CWPIL-2025 was taken up, this Court had directed thus:-

“i) The Chairman of the BBMB was directed to file affidavit stating the events that took place on 08.05.2025 which are made as the cause of action for alleging willful disobedience of the order dated 06.05.2025.

ii) Union of India was directed to reproduce the minutes of the meeting which was held under the Chairmanship of the Secretary, Ministry of Home, Government of India, on 02.05.2025.

iii) Mr. S.P.Jain, Additional Solicitor General of India was directed to inform as to who is the competent authority under the Central Government to consider and decide the representation made by a dissenting State under Explanation-II to Rule 7 of the Bhakra Beas Management Board Rules, 1974 (for brevity ‘1974 Rules’).”

7. Today, when the matter is taken up, the Chairman of BBMB - Shri Manoj Tripathi has filed an affidavit dated 09.05.2025, which is taken on record. Reading of the affidavit prima-facie reveals that the directions passed by this Court on 06.05.2025, while disposing of CWP-12858-2025, CWP PIL-100-2025 and CWP-PIL-101-2025, were not complied with, which is evident from the contents of the said affidavit, relevant extracts of which are reproduced below:-

“Para 5. That the deponent and Director/Security, BBMB were not allowed to enter the Nangal Dam premises by two un-known person and the local police requested that the visit of the Nangal Dam may create law and order problem and requested us to accompany them to Nangal Guest House where the Hon'ble Chief Minister, Punjab will be coming shortly. It was found that the Nangal Dam premises were locked and the deponent and the Director/Security could not enter the Dam premises. In this regard Canal Wire No. 102 dated 08.05.2025 issued by SDO, Nangal Dam to XEN,

Nangal Dam is enclosed as Annexure-D2. The police personnel escorted the deponent to Sutlej Sadan.

Para 6. That the deponent was apprised by the Director/Water Regulation, BBMB that the concerned SDO, Kotla has asked the subordinate staff at Lohand Khad Regulation Point not to comply with the directions of Board Resolution dated 30.04.2025 & 03.05.2025 and also of BBMB officers to release of water as per indent placed by Haryana. Thereafter, Director/Water Regulation, BBMB persuaded the staff over there to implement the release of 200 Cs. of water at 9.00 AM and to further increase the releases in Nangal Hydel Channel @ 100 cs. per hour and issued a Canal Wire No. 74 dated 08.05.2025 copy enclosed at Annexure-D3.

Para 7. That Director/Water Regulation has also informed deponent that the DSP, Anandpur Sahib reached Lohand Control Office at about 10.00 AM and asked him to revert the increase of 200 cs. of water which was executed w.e.f. 9.00 AM. However, he politely refused to comply with the directives of DSP and told him that he is sitting in his jurisdiction and performing the official duties. At this juncture, the DSP, Anandpur Sahib had a word with some other person on phone and again told the Director/Water Regulation that the Hon'ble Chief Minister, Punjab is coming and will be reaching here so they have to clear the area.

Para 8. That the Director/Water Regulation alongwith his team was compelled/forced to vacate the Lohand Regulation Point and were asked to go to Nangal Township. On reaching Nangal they were not able to enter the Guest House from the main gate since lot of people have gathered and the main gate was locked. Hence they managed to enter the Guest House from another approach.

Para 9. That Director/Water Regulation has further informed that the release of 200 Cs. water was got reversed at the behest of police personnel.

Para 10. That after reaching the Guest House, the deponent time and again asked the police personnel regarding the Hon'ble Chief Minister, Punjab visit and it was time and again told to wait for another few minutes. In this way, more than 2 hours were lost and the deponent and Director/Security could not visit the vital installation of Bhakra Dam to review of the security arrangements of the Bhakra Dam.

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Para 12. That after persistent requests by the deponent to let him and his officers to go out to perform their official duties, the Punjab Police personnel asked them to leave the premises/Nangal and escorted the deponent and BBMB officers out of the premises. While going out of the Guest House premises lot of people had gathered, shouted and tried to stop the vehicles and

also some of them hit the vehicles by hands. The law and order problem was not being managed well by the Punjab Police so the deponent and BBMB officers returned back to Chandigarh.

Para 13. That though the police personnel escorted the deponent to his vehicle but they did not allow the deponent to visit the important installations of the Project.

Para 14. That the deponent came to know that the persons who "gheraoed" him were the un-known persons who were not managed by the Punjab Police. This fact is evident from the various press releases appearing in various newspapers and videos on news channels.

Para 15. That it is also evident that the deponent and other officers of BBMB (Director/Security, Secretary, BBMB as well as Director/Water Regulation along with their subordinate officers) were confined in BBMB Guest House for more than 2 hours and precious time was wasted."

8. Shri Jain, Additional Solicitor General of India, on the other hand, has produced a meeting note dated 01.05.2025 issued by the Ministry of Power, Government of India, followed by Record of Discussion of the meeting dated 02.05.2025 to discuss emergent issues of BBMB held under the Chairmanship of the Union Home Secretary, Government of India. Persons attending the said meeting are as follow:-

- "1. Shri Govind Mohan, Union Home Secretary, Govt. of India – Chair*
- 2. Ms. Debashree Mukherjee, Secretary, Ministry of Jal Shakti*
- 3. Shri Pankaj Agarwal, Secretary, Ministry of Power*
- 4. Shri Anurag Agarwal, Additional Chief Secretary (WRD), Haryana*
- 5. Shri Abhay Kumar, Additional Chief Secretary (WRD), Rajasthan*
- 6. Shri Alok Shekhar, Additional Chief Secretary (Home Affairs), Punjab*
- 7. Shri Krishna Kumar, Principal Secretary (WR), Punjab*
- 8. Shri Manoj Tripathi, Chairman, BBMB*
- 9. Shri Akash Tripathi, Additional Secretary (Hydro), Ministry of Power."*

9. As regards the third query put forth by this Court on 08.05.2025, Shri Jain, learned Additional Solicitor General of India, informs that the Secretary, Ministry of Power, Government of India, is the competent authority

to deal with the representation of the dissenting State under Explanation-II to Rule 7 of the 1974 Rules.

10. Since the only prayer for initiation of contempt proceedings is alive in CM No. 123-CWPIL-2025, the same is being considered in the following manner:-

10.1 From reading of the aforesaid extracted paragraphs No. 5 to 15 except 11 of the affidavit filed by Shri Manoj Tripathi, Chairman of BBMB, it is obvious that the Chairman of the BBMB has stated in clear terms that he alongwith his Directors were obstructed by the police personnel of the State of Punjab in discharging their duties of operating, functioning and regulating Bhakhra Nangal Dam & Lohand Control Room Water Regulation Offices managed by BBMB. Thus, prima-facie it appears that the direction contained in para 8(i) of the order dated 06.05.2025 passed in CWP-12858-2025, CWP PIL-100-2025 and CWP-PIL-101-2025 was not complied with.

10.2 To enable this Court to ascertain whether the said disobedience of order dated 06.05.2025 by the police personnel of State of Punjab, was deliberate or not is yet to be deciphered.

10.3 This Court thus deems it appropriate to afford an opportunity to the Chief Secretary of the State of Punjab as well as the Director General of Police, State of Punjab to file their respective replies identifying those police personnel of the State of Punjab who had obstructed the Chairman of BBMB and other functionaries of BBMB in performing their day to day functioning in operating and managing the Bhakhra Nangal Dam & Lohand Control Room Water Regulation Offices.

11. We are not for the time being impleading the Chief Secretary as well as the Director General of Police, Government of Punjab as party since the real contemnors are yet to be identified. Thus, only notice to these two

officers is being issued to file their replies disclosing the identities of real contemnors.

12. It is pertinent to mention here that Shri Gurminder Singh, learned senior counsel appearing for the State of Punjab in his inimitable persuasive style has attempted to convince us that there was no disobedience on the part of the functionaries of State of Punjab by pointing out that the decision dated 02.05.2025 was taken by the Committee presided over by Union Home Secretary, Government of India, who admittedly is not the competent authority, to deal with the matter under Explanation-II to Rule 7 of 1974 Rules and thus the question of disobedience by any of the functionaries of the State of Punjab, does not arise.

13. The contention of learned senior counsel for State of Punjab may or may not be true, but the fact remains that this Court is looking at the issue from the limited scope available under the contempt jurisdiction. If the order dated 06.05.2025 directed the State of Punjab to abide by the decision of the meeting held on 02.05.2025 and not to interfere in the day to day functioning, operation and regulation of Bhakhra Nangal Dam & Lohand Control Room Water Regulation Offices, then so long as the order dated 06.05.2025 stands and is not disturbed by any higher forum or this Court, it's veracity and justifiability cannot be gone into.

14. It is settled law that while dealing with contempt jurisdiction, the correctness of the directions in judicial order, non compliance of which is alleged, cannot be gone into. So long as the judicial order stands, it needs to be complied with notwithstanding the said judicial order being erroneous or incorrect in the eyes of a particular party.

15. However, this Court is conscious of the present sensitive atmosphere prevailing in the State of Punjab due to cross border firing between India and Pakistan and therefore, does not want to burden the Chief Secretary as well as the Director General of Police, Government of Punjab, with any contempt notice. This Court accordingly refrains from issuing contempt notice and merely directs them to submit their replies by identifying those police personnel who were involved in restraining the Chairman and functionaries of BBMB in discharging their official duties to operate and manage the Bhakhra Nangal Dam & Lohand Control Room Water Regulation Offices.

17. Since the State of Punjab has chosen not to challenge the order dated 06.05.2025 till date, this Court reiterates that the directions contained in para-8 of the order dated 06.05.2025 passed in passed in CWP-12858-2025, CWP-PIL-100-2025 and CWP-PIL-101-2025 be complied with.

18. The Chief Secretary as well as the Director General of Police, Government of Punjab are granted two weeks' time to file their respective replies.

19. List the matter again on 28.05.2025.

(SHEEL NAGU)
CHIEF JUSTICE

09.05.2025
ravinder

(SUMEET GOEL)
JUDGE