
(2000) 11 SC CK 0152

In the Supreme Court Of India

Case No : I.A. No. 17 in Writ Petition (C) No. 319 of 1994

Narmada Bachao Andolan

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 23-11-2000

Acts Referred:

Citation : (2004) 4 SCALE 676 : (2002) 7 SCALE 417 : (2000) 7 SCALE 682 : (2002) 10 SCC 408

Hon'ble Judges : A. S. Anand, C.J.;S.P. Bharucha, J;B.N. Kirpal, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. We have heard learned Counsel for the parties. The Petitioners seek clarification of the majority judgment with regard to maintenance of height of the dam for further construction.

2. The Union of India through Mr. Ashok H. Desai, learned senior counsel and the State of Gujarat through Mr. Harish N. Salve, learned Solicitor General submit that the effective height of dam for purposes of submergence would be maintained at 90 meters and that even if humps are required to be constructed at any point of time, the effective height of the dam shall not be raised beyond 90 meters for purposes of submergence until further construction is permitted as per the conditions laid down in the majority judgment. It is submitted that in view of this stand of the Union of India and the State of Gujarat, no clarification of the judgment is required. We record the statements of Mr. Desai and Mr. Salve and dispose of the I.A. in terms of their statements.

3. Mr. T.R. Andhiyarijuna, learned senior counsel for the State of Maharashtra points out that there is a typographical error at page 177 of the majority judgment in 4th line of the last paragraph, in that the word "Rajasthan" appearing after the words the project which' and before the words get it's share' should actually be read as "Maharashtra" and not "Rajasthan". Learned senior

counsel for the petitioners has no objection to the typographical error being corrected. We, therefore, direct that in the 4th line of last paragraph at page 177 of the majority judgment, "Maharashtra" shall be substituted instead of "Rajasthan".

S.P. Bharucha

4. The prayers require clarifications of the majority judgment. For myself, I stand by my minority judgment.