



CNR: KAHC010000672026

NC: 2026:KHC:45006-DB
WA No. 3 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 3 OF 2026 (GM-BWSSB)

BETWEEN:

1. THE CHAIRMAN
BENGALURU WATER SUPPLY
AND SEWAGE BOARD,
CAUVBERY BHAVAN, K G ROAD,
BENGALURU – 560 009.

NOTE: THERE IS NO POST OF
COMMISSIONER IN BWSSB.
THE PETITIONER IN WP HAS
WRONGLY MENTIONED AS
COMMISSIONER INSTEAD OF
CHAIRMAN, BWSSB.

2. THE ASSISTANT EXECUTIVE ENGINEER
BWSSB, WEST 5TH BLOCK,
2ND STAGE, NAGARABHAVI RING ROAD,
BENGALURU – 560 009.

THE APPELLANTS ARE REPRESENTED BY
THE CHIEF ENGINEER (WEST) BWSSB,
CAUVERY BHAVAN, KG ROAD,
BENGALURU – 560 009.

...APPELLANTS

(BY SRI. B.S.SHRINIVAS, ADVOCATE FOR
SRI. B.L.SANJEEV.,ADVOCATE)

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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AND:

1. SMT. VEENA
W/O SRI S VISHWA MURTHY
AGED ABOUT 56 YEARS,
RESIDING AT NO.192,
1ST MAIN, 12TH BLOCK,
2ND STAGE, NAGARABHAVI,
BENGALURU – 560 072.
2. THE STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. B.SHARATH KUMAR, ADVOCATE FOR R1;
SRI. B.RAVINDRANATH, AGA FOR R2)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
08/09/2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP
NO.12751/2017 AND CONSEQUENTLY DISMISS THE SAID
WRIT PETITION.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present appeal has been filed by the Bengaluru Water Supply and Sewerage Board, impugning the judgment and order dated 08.09.2025 passed by the learned Single Judge in W.P.No.12751/2017 (GM-BWSSB).

2. Parties shall be referred to as per their ranking before the learned Single Judge.

3. Case of the petitioner in brief is, she had applied for water and sewerage connection to her residential premises and pursuant to the demand notice dated 12.02.2016, she was called upon to pay pro-rata charges of Rs.1,37,198/- within thirty days. According to her, although she had initially arranged a demand draft towards the said amount, the draft was lost and, thereafter, she obtained a fresh demand draft and paid the entire amount on 22.04.2016. She submitted that, at the most, she could be made liable for interest on account of



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the delayed payment, as specifically contemplated in the original demand notice.

4. The petitioner further contended that, instead of restricting the demand to the applicable interest, respondent No.3 subsequently enhanced the pro-rata charges to Rs.2,56,977/- and after adjusting the amount of Rs.1,37,198/- already paid, raised a further demand of Rs.1,20,279/-. It was her specific grievance that such enhanced charges could not be retrospectively imposed upon her, particularly when her application for the connection had already been made much earlier.

5. Per contra, learned counsel appearing for the respondents/BWSSB submitted that the petitioner was required to pay the pro-rata charges within thirty days from 12.02.2016. Since she failed to make the payment within the stipulated period, the respondents contended that the pro-rata charges had, in the meantime, been enhanced with effect from 26.02.2016 and that the



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petitioner was, therefore, liable to pay the enhanced charges.

6. It was further contended that the Bengaluru Water Supply and Sewerage Board was statutorily empowered under Section 16 of the Bangalore Water Supply and Sewerage Act, 1964 ('the BWSSB Act' for brevity), to levy and vary pro-rata charges from time to time. Relying upon the said provision, the respondents maintained that the enhanced charges were validly levied and that the petitioner could not insist upon payment only of the charges mentioned in the earlier demand notice.

7. Having considered the rival submissions, the learned Single Judge noted that there was no dispute that the Board was empowered under Section 16 of the BWSSB Act to levy and vary pro-rata charges and that, under Regulation 5.3 of the Bangalore Water Supply Regulations, 1965, an owner seeking a water connection was required to pay the prescribed pro-rata charges. However, the



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crucial question was, *whether the subsequent enhancement of the pro-rata charges could be applied to the petitioner's application?*

8. The learned Single found that the original demand dated 12.02.2016 required the petitioner to pay Rs.1,37,198/- within thirty days, with interest at 12% per annum in the event of delayed payment. Though the pro-rata charges were subsequently enhanced with effect from 26.02.2016, the enhancement was specifically applicable to applications received after 26.02.2016. Since the petitioner's application had been made as early as 07.12.2015, the enhanced charges could not be demanded from her.

9. Consequently, the learned Single Judge held that the demand of Rs.1,20,279/- raised by respondent No.3 was unjustified and liable to be quashed and accordingly, **allowed the petition in part by setting aside the** impugned demand made by respondent No.3.



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At the same time, recognising that the petitioner had made the payment belatedly, the Court directed respondent No.3 to intimate the petitioner, the amount of interest payable on the delayed payment of Rs.1,37,198/- within thirty days, and directed the petitioner to pay such interest within thirty days thereafter.

10. The respondents/BWSSB, aggrieved by the order of the learned Single Judge, have preferred the present intra-court appeal contending that the learned Single Judge failed to appreciate the effect of the revised pro-rata charges. It was submitted that, pursuant to the demand notice dated 12.02.2016, the petitioner was called upon to pay a sum of Rs.1,37,198/- towards pro-rata charges for water supply and sanitary connection within the stipulated period of thirty days. In the meantime, the pro-rata charges were revised by the subsequent circular, increasing the charges to Rs.600/- per square meter for commercial buildings and Rs.250/- per square meter for residential buildings. The respondents contended that the



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subsequent corrigendum clarified that, where the stipulated period of thirty days had expired in respect of applications already received, the revised pro-rata charges would become applicable from 24.03.2016, while interest at 12% per annum would be payable on the old pro-rata charges till 24.03.2016. It was therefore contended that, since the petitioner admittedly paid Rs.1,37,198/- only on 23.04.2016, after expiry of the period for payment at the old rate and despite being aware of the revised charges, she was liable to pay the differential amount demanded under the fresh demand notice dated 08.11.2016.

11. The respondents further contended that the learned Single Judge erred in holding that the revised pro-rata charges could be applied only to applications received after 26.02.2016. According to them, the relevant consideration was not merely the date of the application, but whether the petitioner had made payment within the stipulated period at the old rate. Since the petitioner failed to do so and made payment only after the revised charges



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had come into force, the respondents maintained that the demand for the differential amount was legally sustainable.

12. The principal question that, therefore, arises for our consideration, upon a careful perusal of the order of the learned Single Judge and the material placed on record is,

"Whether the view taken by the learned Single Judge in quashing the demand for the differential pro-rata charges calls for interference in the present intra-court appeal?"

13. Admittedly, the respondent No.3 issued the demand notice dated 12.02.2016 calling upon the petitioner to pay a sum of Rs.1,37,198/- towards the pro-rata charges within thirty days, failing which interest at the rate of 12% per annum was liable to be paid. The petitioner, though belatedly, paid the said amount on 23.04.2016 and thereafter approached the respondent seeking to ascertain the amount of interest payable for the delayed payment. However, instead of intimating the



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petitioner the interest payable in terms of the original demand notice, the respondent No.3 proceeded to issue a fresh demand by enhancing the pro-rata charges to Rs.2,56,977/-, giving credit for the sum of Rs.1,37,198/- already paid and consequently demanding a further sum of Rs.1,20,279/-. The justification for such demand was that the pro-rata charges had been revised with effect from 26.02.2016.

14. Having regard to the material on record, it is evident that the revised pro-rata charges were made applicable to the applications received on or after 26.02.2016. The petitioner's application, however, was admittedly made on 07.12.2015 and therefore, the subsequent enhancement could not have been applied to her application retrospectively. If the respondent intended to levy the revised pro-rata charges upon the petitioner, it ought to have rejected the earlier application and called upon her to submit a fresh application, pursuant to which the charges could have been levied at the revised rate.



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Having failed to do so and having proceeded with the petitioner's application dated 07.12.2015, the respondent could not subsequently demand the enhanced pro-rata charges.

15. In that view of the matter, we are of the considered opinion that the learned Single Judge was justified in quashing the impugned demand and we find no ground to interfere with the order under appeal. The intra-court appeal is, accordingly, liable to be dismissed.

The Writ Appeal is dismissed.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
List No.: 2 Sl No.: 0