

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.17260 of 2015

Dated : 17.06.2015

Between:

V. Narender Gupta S/o.Late V. Kasaiah,
Aged 58 yrs, Occu : Business,
H.No.47-13, Plot No.54, Sri Sai Colony,
Chintal, Quthbullapur Mandal, R.R. District

.. Petitioner

And

Hyderabad Metropolitan Water Supply & Sewerage Board,
Rep., by its Managing Director,
Hyderabad & another

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner is aggrieved by final notice issued by the Hyderabad Metropolitan Water Supply & Sewerage Board, directing the petitioner to remit an amount of Rs.80,000/- and odd. The petitioner was also directed to submit an application for conversion of the water supply connection to multi storied building category.

2. Learned counsel for the petitioner submits that the petitioner is an independent owner of House bearing No.47-13 consisting of three floors. The two adjacent multistoried buildings do not belong to the petitioner but they belong to his children. Both the multistoried buildings are commercial properties. Therefore, they are not using the domestic water supply connection. They have bore wells for regular water supply and drinking water is secured from the suppliers directly. The water connection No.CAN 613459840 is exclusively used for domestic purpose. Therefore, imposing such heavy penalty and directing the petitioner to apply new connection in Multistoried building category is erroneous.

3. Learned counsel for the petitioner submits that infact the water connection was disconnected on 24.11.2012 and was reconnected only recently. Whereas the penalty is levied from 01.05.2009 till 01.05.2015 and that the amount calculated at Rs.1,02,276/- is erroneous. The petitioner is liable to pay only Rs.20,500/- which was already paid. He further submits that as there is no connection between the two multistoried commercial complexes and the building of the petitioner, the direction to apply for multistoried building category connection is again illegal and amounts to arbitrary exercise of power.

4. Learned Standing Counsel representing the respondent-Board submits that even if the connection is disconnected, the penalty charges continues to be levied in accordance with the provisions of the Act governing the Board and the amount arrived at is only in accordance with the said provisions and hence, the petitioner has to pay the amount. A detail verification was done and the verification proves that the three buildings were using the same water connection which was originally granted as a domestic connection. Whereas the other two buildings are doing commercial activity and therefore they are not entitled to use the water connection provided for residential purpose. There are different categories of water connections provided by the respondent-Board. A building of multistoried construction involved in commercial activity requires to take a different water connection

and the charges are also levied differently for such category. Thus, the petitioner was misusing the domestic water connection for commercial purpose. Therefore, there is no illegality in the order passed by the Board.

5. As seen from the averments and the material filed along with the writ petition, apparently, there was no water connection to other two buildings adjacent to the building of the petitioner and those two buildings are owned by his children. As per the inspection conducted by the Board, *prima facie*, shows that only one connection is used by the petitioner and two multistoried buildings also. If the petitioner has any material in support of his claim that the same connection is not being used by the other two buildings and the alternative sources of water are used by those two buildings, he should file an application before Chief General Manager, O & M Division-XII, Quthubullapur Circle-15, Ranga Reddy District and as and when such application is filed, the same shall be considered as expeditiously as possible. If the authorities are of the opinion that the petitioner is utilizing the water connection other than for domestic purpose, the petitioner has to comply with the orders issued on the final notice. It appears that the petitioner has not put up the meter to the water connection already provided to him. The petitioner shall take immediate steps to provide meter to the water connection. The petitioner shall also pay the balance amount payable by him out of Rs.1,02,276/- determined within a period of two (2) weeks from the date of receipt of a copy of this order. If any amount is already paid, it shall be adjusted to the amount payable by him. If the petitioner succeeds in convincing the competent authority and the amount quantified was far in excess than payable, the balance shall be refunded to petitioner. The petitioner shall make an application within a period of two weeks from the date of receipt of a copy of this order. As and when such an application is received, the Chief General Manager, O & M Division-XII, Quthubullapur Circle-15, Ranga Reddy District, shall consider the same and afford personal hearing and pass appropriate orders as warranted by law.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

17th June, 2015
Rds

