

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA  
AND  
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 5109 of 2015

Date: 03.03.2015

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Between:

M/s. NSL Renewable Power Private Limited  
Hyderabad.

... Petitioner

And

The State of Telangana, rep., by its Secretary,  
Municipal Administration Department,  
Hyderabad & others.

... Respondents

This Court made the following:

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA  
AND  
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION No. 5109 of 2015**

**ORDER:** (Per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

This writ petition has been filed challenging the notice dated 06.02.2015 whereby a sum of Rs.23,42,000/- has been demanded on account of property tax up to the year 2014-15. It is also stated that in the event the aforesaid demand is not acceded to within 48 hours, namely, on or before 09.02.2015, then the essential services to the premises in question such as water supply, electricity, drainage etc., will be ordered for disconnection under the proviso (2) of sub-section (2) of Section 269 of the Greater Hyderabad Municipal Corporation Act, 1955 as amended in the Act 3 of 1994.

Learned counsel for the petitioner contended before us that the petitioner is not liable to pay the aforesaid entire amount and in terms of the orders of this Court he is liable to pay the property tax, which has fallen due after the date of purchase. Learned counsel submits that without giving any notice of hearing the aforesaid notice has been issued, and even if the property tax is due, the Corporation has to initiate recovery proceedings and disconnection of essential services is totally illegal, as the electricity, water supply are not provided by the Municipal Corporation and the same are provided by third parties, namely, electricity department and also other departments.

Learned counsel for the Greater Hyderabad Municipal

Corporation submits that since the petitioner has made a representation, the Corporation is ready to give an opportunity of hearing to the petitioner treating the aforesaid notice as proposed demand.

Under these circumstances, we direct the Commissioner, Greater Hyderabad Municipal Corporation, to depute any competent officer to consider the petitioner's representation, which is annexed to the writ petition, keeping the impugned notice dated 06.02.2015 in abeyance until fresh order is passed after service of notice and hearing the petitioner. The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

We find force in the submission of the learned counsel for the petitioner that the essential services cannot be disrupted by the Municipal Corporation under proviso (2) of sub-section (2) of Section 269 of the Act, as we have already held that essential services, which are provided by the Municipal Corporation, can be disrupted or disconnected and the essential services, provided by the third parties, cannot be disrupted by the Municipal Corporation, as the third party's rights and obligations are involved in jural relationship of them and the petitioner. In the event of default in paying the tax allegedly due and payable, the other mode of recovery may be followed. All points are kept open.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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**K.J. SENGUPTA, CJ**

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**SANJAY KUMAR, J**

Date: 03.03.2015

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