

CWP No. 17010-2013

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 17010-2013

Date of Decision: 11.02.2015

Sarbansdani Guru Gobind Singh Mission

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Dr. Deepa Singh, Addl. A. G. Punjab.

Mr. J.S.Toor, Advocate,
for respondent no.3.

Paramjeet Singh, J.(Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India with a prayer for quashing the resolution No.109 dated 17.04.2013 (Annexure P-12) passed by respondent no.3-Municipal Committee, Malout vide which only 50% of the amount has been ordered to be adjusted whereas total 100% amount of excess bills is liable to be adjusted. Prayer has also been made that direction may be

CWP No. 17010-2013

issued to the respondents not to charge water and sewerage charges as per the Notification No.2/2/2003-3LGIV/6514 dated 02.05.2003 (Annexure P-1) which has already been quashed by this Court in CWP No.19714 of 2006, titled 'Sukhjit Singh Starch and Chemicals Ltd., Sukhjit Road, Phagwara vs. State of Punjab and others', decided on 03.09.2008 and notification No.09/09/05-3L.G.4/2322 dated 18.09.2009 (Annexure P-13) as the said notification is based on the earlier notification dated 02.05.2003.

I have heard learned counsel for the parties and perused the record.

Learned State counsel and learned counsel for respondent no.3 do not dispute the quashing of Notification (Annexure P-1). Since the Notification (Annexure P-1) has been quashed, the amount paid in excess by the petitioner in pursuance of the same, is liable to be adjusted.

Now the only grievance of the petitioner is that the petitioner is liable only to pay the amount at the rate as per the notification prevalent prior to the notification dated 02.05.2003 (Annexure P-1) till the date of new notification and thereafter the petitioner will make the payment as per the new rates. The stand of the petitioner is just and fair.

Since the Notification dated 02.05.2003 (Annexure P-1) has been quashed and the resolution (Annexure P-12) is passed in pursuance of that notification, therefore, the resolution (Annexure P-12) is not sustainable and accordingly set aside.

CWP No. 17010-2013

If the petitioner has paid excess amount, the same will be adjusted in future bills. However, if the same has not been paid, the Municipal Committee will be at liberty to effect recovery in accordance with law. It is made clear that the petitioner will continue to pay as per the Notification dated 18.09.2009 (Annexure P-13) from the date of its issuance.

11.02.2015

parveen kumar

(Paramjeet Singh)
Judge