

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

**FAO No.3441 of 2015 (O&M)
Date of Decision: May 19, 2015**

M/s Thermax Ltd.

.... Appellant

vs.

Municipal Corporation, Chandigarh

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Manish Jain, Advocate for the appellant.

Ms. Deepali Puri, Advocate for the respondent.

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh J.(Oral)

The dispute in this case between the parties is as to whether the present appellant should remove the sludge/girt or the Municipal Corporation should remove it.

Undoubtedly, the work of sewerage treatment plant is going on and during this process sludge/grit is segregated and thereafter the water is utilized.

It comes out that the summer vacation are coming. Thereafter, the rainy season will start. The sludge/grit is not being removed by anybody. The interest of public at large requires that such sludge/grit should be removed. Therefore, as an interim arrangement, it is ordered that the Municipal Corporation shall

remove the sludge/grit and shall maintain the accounts of such cost incurred in the removal of such sludge/grit and in case, the Municipal Corporation succeeds in proving its case, it can claim such costs from the present appellant.

Learned counsel for the appellant has argued that the chemical required for sewerage treatment plant should ordered to be supplied by the Municipal Corporation.

However, this Court is not inclined to pass any interim order in this regard. The appellant can purchase the chemical from the market and can also maintain the accounts thereof so that the appropriate claim in this regard can be decided at appropriate stage.

Both the parties can submit the quarterly statement of such accounts before the Arbitrator.

Learned counsel for the appellant undertakes to this Court that the present appellant shall run sewerage treatment plant in an efficient manner in the larger interest of public.

The matter is pending for adjudication.

As agreed by both the parties, the present appeal is disposed of in the above noted terms to be complied with by both the parties till the matter is finally decided by the Arbitrator and thereafter, subject to the orders of the Arbitrator.

May 19, 2015
sarita

(KULDIP SINGH)
JUDGE