

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.22551 of 2012

ORDER:

The petitioner entered into an agreement with the first respondent on 27.02.2009 for allotment of water supply connection of the quantity of 750 K.L.D. per day through 100 M.M. dia connection from the off-take point at IDA Phase-I, Patancheru, Medak District, for the purpose of utilisation of the same for its 9 MW Bio-Mass based non-conventional power plant and for utilisation of the same for cooling the boiler.

2. The agreement was dated 27.02.2009. The petitioner fell due of payment of sewerage cess and water charges to the first respondent. When there was demand to the petitioner, the petitioner submitted a representation dated 23.11.2010 and a notice dated 18.06.2012 through his counsel. This writ petition is filed challenging the proceedings dated 02.04.2012 demanding the petitioner to clear the dues of an amount of Rs.1,13,94,840.20 ps. which is inclusive of interest and arrears and rejecting its request of disconnection.

3. A perusal of the notice issued on behalf of the petitioner by his counsel dated 18.06.2012 would reveal that in view of the notice from the Pollution Control Board and other issues, the petitioner suspended the plant operation from 06.12.2011 and the petitioner addressed a letter dated 26.12.2011 asking the first respondent to terminate the water supply agreement with effect from 31.12.2011. In that backdrop, the letter dated 02.04.2012 was issued by the first respondent.

4. Admittedly, the petitioner is in arrears of payment of sewerage cess and water charges and the petitioner has not been continuing its operations. This Court, by orders dated 25.07.2012, directed the respondents not to take any further steps for collection of sewerage cess from the petitioner by directing the second respondent to permit the petitioner to pay the water charges of Rs.8,37,020/- to the credit of the first respondent. It was also made clear that in case of non-payment of the said amount within seven days from the date of the said order, the interim direction shall stand vacated.

5. Today when the matter is taken up for consideration, the learned counsel for the first respondent submitted that an amount of Rs.8,37,020/- was deposited by the petitioner, but the petitioner is in due of a huge amount of more than one crore towards sewerage cess. In view of the closure of business of the petitioner and in view of the mounting arrears, this Court is not inclined to grant the relief sought for by the petitioner challenging the demand of payment of arrears, but directs the respondents to consider the representations of the petitioner dated 23.11.2010 and the notice issued on behalf of the petitioner by his counsel on 18.06.2012 and take necessary action in accordance with law.

6. The writ petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

01st November, 2016
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