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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4043/2014 and CM Appl. No. 8119/2014

KAUSHLYAWATI TAHIM Petitioner
Through : Mr. Kunal Madan, Adv.

versus

DELHI JAL BOARD Respondent

Through :Mr. Sumeet Pushkarna, Adv. with
Mr. Chander Prakash, ZRO, R.K.
Puram

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **22.03.2016**

Petitioner has prayed in this writ petition that disconnection notice dated 24th December, 2012 and bill dated 22nd May, 2014 in respect of water connection bearing K. No. 0570641000 be declared null and void; it has been further prayed that respondent be directed to restore the water connection during pendency of this writ petition. Petitioner has also prayed for refund of ₹1,00,000/- and assessment of water charges on the basis of actual consumption for residential purpose only. Petitioner has alleged that she has been using the water connection for residential purpose only, inasmuch as house tax and electricity bills were also paid and even assessed in the category of “residential”. It is further alleged that petitioner’s

premises is comprised of basement, ground floor, first floor, second floor and petitioner has claimed that basement was lying closed. Some officials of respondent visited the petitioner's premises in the month of November, 2012 and demanded Diwali gift/bribe and when it was refused, disconnection notice dated 24th December, 2012 was issued on the ground that ₹4,91,583/- was due and outstanding. Subsequently, petitioner got the water meter replaced on 31st January, 2013 and informed the respondent. Respondent continued to raise bills by charging commercial rates.

Case of the respondent, as set out in the reply affidavit, is that premises of the petitioner was being partly used for commercial purpose. There was only one water connection for the whole premises. Accordingly, water connection was changed from residential to commercial. Prior to 2004, petitioner did not object to the change of category. After 2010, petitioner stopped paying the water bills raised by the respondent. It is further alleged that since water meter of the petitioner was not working, petitioner got the water meter changed. Thereafter, the bills were raised on the basis of average consumption. Water connection was disconnected by the respondent. However, petitioner re-opened the disconnected water connection without authorization. Accordingly, petitioner was challaned by

the Special Metropolitan Magistrate. From the facts narrated above, it is clear that the disputed questions of facts arise and the same cannot be adjudicated in this writ petition.

At this stage, learned counsels for the parties submit that matter may be referred to the Director (Revenue), Delhi Jal Board. Reliance has been placed on the order dated 22nd September, 2015 passed by a learned Single Judge of this Court in WP(C) No. 6332/2014 titled Dronacharya Cooperative Group Housing Society Ltd. Vs. Delhi Jal Board. With the consent of parties, matter is referred to the Director (Revenue) of the respondent, who shall decide the matter after giving opportunity of hearing to both the parties. Reasoned order be passed and communicated to the petitioner within four months. Parties shall appear before the Director (Revenue), Delhi Jal Board on 27th April, 2016 at 10:30 AM.

Petitioner has already paid ₹1,75,000/-. Till the disputed bills are adjudicated by the Director, Delhi Jal Board, petitioner shall deposit further sum of ₹1,00,000/- within four weeks.

Writ petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous. Dasti.

A.K. PATHAK, J.

MARCH 22, 2016/rb