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

+ W.P.(C) 4708/2016 & CM APPL. 19638/2016

RAVI VIRA GUPTA Petitioner
 Through Ms. Gauri Gupta with Ms. Tania
 Singh, Advocates
 versus

STATE OF NCT OF DELHI & ANR Respondents
 Through Mr. Vinod Kumar Bhati, Proxy
 Counsel for Mr. Devesh Singh, ASC
 for R-1.
 Mr. Sumeet Pushkarna, Standing
 Counsel with Mr. Siddhartha Nagpal,
 Advocate for R-2/DJB.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
30.05.2016

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Present writ petition has been filed challenging the Regulation 50 of the Delhi Water and Sewer (Tariff and Metering) Regulations, 2012 wherein it is stated that the consumers of Delhi Jal Board having a plot/property of size 500 sq. mtrs. or more shall make a provision for rain water harvesting covering the entire plot area within one year in case of commercial/ industrial property and within three years in case of residential property failing which, tariff as applicable will be increased by 1.5 times till the facility is installed and intimated to the concerned Revenue Officer.

It has been averred in the petition that petitioner is the owner of Flat bearing No.9-B, Anand Lok, New Delhi and the construction of same was completed in 1998.

Learned counsel for petitioner states that petitioner made representations to the respondents expressing his inability to comply with the impugned Regulation 50 on the ground that it is physically impossible for the petitioner to set up a rain water harvesting system and secondly, the completion certificate for petitioner's residence was given in 1989 and after a lapse of more than 25 years, petitioner cannot be saddled with retrospective operation of the impugned Regulation.

In the opinion of this Court, rain water harvesting is the need of the hour. This Court takes judicial notice that modern techniques are available whereby this facility can easily be incorporated in old houses, especially those which have been constructed on an area in excess of 500 sq. mtrs.

This Court is also of the view that there is no retrospective operation of the impugned Regulations as rain water harvesting facility has to be provided three years after coming into force of the Regulations.

Further, it is always open to the statutory authorities to impose regulations which have a prospective effect and in the present case, the impugned Regulations have a prospective effect.

Consequently, present writ petition and application are dismissed.

MANMOHAN, J

MAY 30, 2016

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