

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.1077 of 2017

- M/s Sarda Enrgy And Minerals Ltd. A Company Duly Incorporated Under The Provisions Of The Companies Act. 1956, Having Its Corporate Office And Works At Industrial Growth Centre, Phase- 1 Siltara, Raipur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Water Resources, Mahandi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Executive Engineer Department Of Water Resources, Sihawa Bhawwan Civil Lines Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Amrito Das, Advocate
For Respondent/State	:	Shri Dhiraj Wankhede, GA

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

27/04/2017

Heard.

2. The dispute between the parties, according to the petitioner, is essentially with regard to the manner, in which, 15% enhancement of the rate is to be computed.
3. According to learned counsel for the petitioner, 15% increase between 2010 up to 2016 cannot take place on compounded basis.
4. On the other hand, learned State counsel submits that the petitioner has not paid enhanced rate after three years and therefore, for the period 2015-15, recovery has to be made from him.

5. After going through the contents of the petition and the submission made by learned counsel for the parties, it is a matter, which would require consideration basically on the issue whether increase in the rate is to be computed on compounded basis and secondly whether the petitioner has at all paid the increased rates after 2013 till the new rates had come in the year 2016, if required.

6. It is not in dispute that after 2016, the petitioner is paying revised rates of 2016. It is informed that a Committee has already been constituted to resolve the dispute regarding recovery of water charges. It is also informed that on reference being made to the State Government vide letter dated 07-04-2017, the matter is still pending before the State Government, therefore, until the State Government takes decision on this issue, the respondents should not take any coercive steps against the petitioner.

7. Learned State counsel informed that in fact, the State has already constituted a committee to deal with the aforesaid aspect regarding recovery of water charges vide its order dated 30-03-2017.

8. In view of the aforesaid disclosure made by the learned State counsel that the aforesaid dispute has already been referred to the State Government and that the petitioner is presently paying water charges at the rate of 2016. It would in fairness that till the clarification is issued by the State Government, coercive steps should not be taken against the petitioner. As this matter relates to recovery of water charges, it would be proper that the committee constituted by the State shall decide this issue within a period of three months from the date of receipt of a copy of this order.

9. With the aforesaid direction, this petition is finally disposed off.

SD/-
(**Manindra Mohan Shrivastava**)
Judge