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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 3127 OF 2017

Pradip Dixit
Versus
M.C.G.M.

... Petitioner

... Respondents

Mr. V.R. Tripathi, for the Petitioner.
Mr. S.S. Pakale, with Ms. K.H. Mastankar, for M.C.G.M.

**CORAM: SMT. VASANTI A NAIK AND
MR. RIYAZ I. CHAGLA, JJ.
DATED: 6TH DECEMBER 2017**

PC:-

By this writ petition, the petitioner challenges the order of the Assistant Engineer, Water Works Department dated 10th May 2017 asking the petitioner to pay the water tax dues to the extent of Rs.20,79,884/- or else the water supply to the hotel of the petitioner would be disconnected.

It is stated on behalf of the petitioner that the water supply to the hotel of the petitioner is disconnected in pursuance of the impugned notice. It is stated that by the impugned notice, the petitioner was asked to pay the dues for the period from 24th March 2006 to 10th June 2008, when the corporation was not supplying water to the hotel of the petitioner and the petitioner was securing the water through tankers. It is stated that without serving any notice on the petitioner to show cause as to why the water supply should not be disconnected for not paying the dues from 2006 to 2008, the impugned order is passed.

Shri Pakale, the learned counsel for the corporation has tendered an affidavit in reply in the Court today. The same is accepted on record. It is stated that the petitioner has not paid the charges for mis-utilisation of the water from 24th March 2006 to 10th June 2008 and from 21st January 2016 to 14th June 2016. It is stated that the dues payable by the petitioner for the period from 2006 to 2008 would be Rs.12,54,016/- whereas the dues for the period from 21st January 2016 to 14th June 2016 would be Rs.8,25,868/-. It is fairly submitted on instructions from Mr. Prakash Kamat, Sub Engineer, Water Works Department that the petitioner should pay dues for the period from 21st January 2016 to 14th June 2016 and a fresh notice would be served on the petitioner for the demand of the dues – charges to the extent of Rs.12,54,016/- and appropriate action would be taken.

The learned counsel for the petitioner states that the petitioner would pay an amount of Rs.8,25,868/- under protest and would reserve his right to challenge the said demand before the appropriate forum.

In view of the statements recorded hereinabove, we dispose of the writ petition with a direction to the respondent corporation to restore the water supply to the hotel of the petitioner as soon as the petitioner pays the amount of Rs.8,25,868/-. The water supply to the hotel of the petitioner should be restored within three days from the date on which the petitioner deposits the amount of Rs.8,25,868/-. It is needless to mention that the impugned order would not operate insofar as the demand for Rs.12,54,016/- is made. The corporation is at liberty to serve a show cause notice

on the petitioner in respect of the demand for Rs.12,54,016/- and take appropriate action against the petitioner in accordance with law.

Order accordingly. No costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A. NAIK, J.)