

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.27689 & 27690 of 2004

M/s. Ratna Cafe,  
A partnership Firm  
Represented by its  
Partner Rajendra Kumar Gupta,  
No.255, Triplicane High Road,,  
Chennai 0 600 005. ... Petitioner in both W.Ps.

-Vs-

Chennai Metropolitan Water Supply and  
Sewerage Board,  
Represented by its Managing Director,  
No.1, Pumping Stating Road,  
Chennai - 600 002. ... Respondent in both W.Ps.

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent comprised in the notice of demand 30.06.2004 and quash the same in so far as it relates to collection of water charges for the premises bearing No.1 & 2, Chinnappa Rowthar Street, Triplicane, Chennai - 600 005 respectively is concerned and consequently forbear the respondent from collecting water charges from the petitioner till they actually supply water to the petitioner's premises at No.1 & 2, Chinnappa Rowthar Street, Triplicane, Chennai - 600 005 respectively.

For Petitioner : Mr.R.Parthasarathy  
For Respondent : Mr.E.Janakiraman

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O R D E R

Today, when the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner has got water connection, but there is no water supply for the period in question. On account of non-supply of water, there cannot be any levy of water charges. In terms of the Chennai Metropolitan Water Supply and Sewerage Charges (Levy and Collection) Regulations, and in view of the decision taken by this Court in the case of Sadan Tools Room Pvt. Ltd., Vs. Chennai Metropolitan

Water Supply and Sewerage Board reported in 2004 (1) CTC 608, the petitioner is bound to pay the charges and tax and however, surcharge cannot be levied.

2. Taking note of the above decision of this Court, the Writ Petitions are disposed of, with an observation that there is no irregularity in the impugned demand, and the petitioner shall pay the amount demanded in the impugned orders, excluding the surcharge, if any and including arrears, if any, within a period of one month from the date of receipt of a copy of this order. No costs.

Sd/-  
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

Chennai Metropolitan Water Supply and  
Sewerage Board,  
Represented by its Managing Director,  
No.1, Pumping Stating Road,  
Chennai - 600 002.

+1cc to Mr.R.Parthasarathy, Advocate in sr.no.84109

Order in  
W.P.Nos.27689 & 27690  
of 2004

NR 13/12/2017



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