

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24946 of 2018

and

W.M.P.Nos.28990 ,28991 and 28992 of 2018

Karthikeya Papers and Boards Ltd.,
Represented by its Assistant General Manager,
Rajan Nagar, Pakuthampalayam,
Sathyamangalam Taluk,
Erode District ..
Petitioner

Vs

1.State of Tamil Nadu,
Rep.by its Principal Secretary,
Public Works Department,
Fort St.George, Chennai.

2.The Executive Engineer,
Public Works Department (WRD),
Bhavanisagar Dam Division,
Bhavanisagar - 638 451.

.. Respondents

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of certiorari, to call for the records pertaining to G.O(Ms). No.92, Public Works (W2) Department, dated 13.04.2018 on the file of the 1st respondent and the consequent impugned notice bearing Lr.No.VAPA/EVA 1/Co.Sri Karthikeya/374:M/2018/dated .08.2018 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.Rahul Balaji
for Mr.R.Parthasarathy

For Respondents : Mr.C.Manishankar
Additional Advocate General
assisted by Mr.V.Jayaprakash
Narayanan

O R D E R

The issue involved in this writ petition is relating to G.O(Ms).No.92, Public Works (W2) Department, dated 13.04.2018.

2. When the writ petition is taken up for hearing, Mr.C.Manishankar, learned Additional Advocate General appearing for the respondents submitted that the impugned G.O relating to charges for water drawn for industrial purposes from the Government sources, was subsequently amended vide G.O(Ms).No.253, Public Works (W2) Department, dated 28.09.2018 and hence, nothing survives for adjudication in this writ petition. In support of his submission, he has produced a copy of the aforesaid G.O(Ms).No.253, Public Works (W2) Department, dated 28.09.2018, wherein, it has been amended as follows :

Amendment

For the existing table in para 5 of G.O(Ms) No.92, Public Works (W2) Department, dated 13.04.2018, the following shall be substituted :

Sl No	Description	Present rate	Revised Rate
1.	Drawal of water for industrial purposes	For new industries, upto 5 years, 30 (Thirty) paise per 1000 (thousand) litres, subject to a minimum of Rs.3,000/- (Rupees Three thousand only) / annum effective from 09.05.1991.	For new industries at the rate of Rs.1.50 per 1000 litres, subject to a minimum of Rs.15,000/- per annum. Rates will be revised once in every three years.

Sl . No .	Descript ion	Present rate	Revised Rate
2.	Drawal of water for industrial purposes	For Existing industries 50 (Fifty) paise per 1000 (Thousand) litres, subject to a minimum of Rs.5000/- (Rupees Five thousand only) / annum effective from 09.05.1991. G.O.Ms.No.890, Public Works Department, dated 09.05.1991 and G.O.Ms. No.474, Public Works (W2), Department, dated 13.11.2001.	For Existing industries Rs.1.50 per 1000 litres subject to a minimum of Rs.15,000/- per annum. Rates will be revised once in every three years.

3. Hence, the aforesaid G.O(Ms).No.253, Public Works (W2) Department, dated 28.09.2018, is recorded. In view of the subsequent development, no further order is required to be passed in this writ petition.

4. At this juncture, Mr.Rahul Balaji learned counsel appearing for the petitioner submitted that apart from the charges, various other issues are pending for consideration and hence, the petitioner may be given liberty to approach the authorities concerned for appropriate relief as and when required.

5. Granting such liberty, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Ccc)
Sub Assistant Registrar

//True Copy//

arr
To
1.The Principal Secretary,
Public Works Department,
Fort St.George, Chennai.

2.The Executive Engineer,
Public Works Department (WRD),
Bhavanisagar Dam Division,
Bhavanisagar - 638 451.

+1 CC TO GOVERNMENT PLEADER SR.NO. 70532

W.P.No.24946 of 2018
and
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ASK(08/11/2018)



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