

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCN No.1168 of 2018(O&M)

Date of Decision:-17.04.2018

Consumers Forum Chandigarh (Registered) as “Registered Consumers Association” by Govt. of India, now known as Consumers Association, Chandigarh through its Chairman Sh. R.K. Kaplash.

.....Petitioner.

Versus

Sh. Parimal Rai, IAS, The Advisor to the Administrator, Chandigarh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Madhu P. Singh, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The Registered Association is aggrieved against the amendments notified on 24.5.2011(P-3) and 3.4.2016 (P-4) made in the Chandigarh Water Supply Byelaws, whereby for replacement of the defective meters, the costs and charges have been amended to be borne by the consumers.

It is contended that a similar provision made in the year 2001 was challenged by the petitioner Association by filing CWP No.4343 of 2001 which was disposed of vide order dated 01.06.2001 by Division Bench of this Court and the aforesaid amendments are stated to be in violation of the directions contained in the order dated 01.06.2001.

After hearing Counsel for the petitioner, no grounds to invoke

the contempt jurisdiction are made out.

In the previous litigation in CWP No.4343 of 2001 the corporation itself had undertaken to make the amendment in the existing Byelaws, whereby the Municipal Corporation had chosen to bear the expenses of replacement of defective water meters installed in the residential houses of the residents/consumers of the City.

In view of the stand of the Chandigarh Administration, the writ petition was disposed of with direction to expedite the issuance of the Amended Notification on the suggested lines. As such by issuance of fresh notifications after more than 13 years, this Court is not inclined to accept that the directions contained in the order dated 01.06.2001 have been violated. It is not in dispute that the Chandigarh Administration has the powers to issue and make amendments in the Byelaws depending on the existing ground realities, which ofcourse would be subject to the judicial review. The petitioner Association if aggrieved would be free to seek its remedy in accordance with law.

In view of the above, finding no merit in the present contempt petition, the same is hereby dismissed.

(JASWANT SINGH)

JUDGE

April 17, 2018

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>