

**244 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 15179 of 2015 (O&M)

Date of Decision: 12.09.2019.

Punjab Housing Board Colony, Urban Estate Phase-I, Jalandhar and
another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Gursimran Singh, Advocate,
for the petitioners.

Ms. Anju Sharma Kaushik, DAG Punjab.

Mr. G.S. Ghuman, Advocate,
for respondent No.2.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition, the petitioners have sought quashing of order passed by the Municipal Commissioner Jalandhar vide which water and sewage bills have been issued to the owners of plots/houses measuring 58 sq. yards situated in Urban Estate Phase-I, Jalandhar.

It is contended that the petitioners are members of a residential society in Urban Estate Phase-1, Jalandhar. The Government of Punjab, vide notification dated 11.07.2006 (AnnexureP-1) has exempted all residential units having plot area upto 5 marla (125 Sq. yards) situated within the limits of Municipal Corporations in the State of Punjab from payment of water supply and

sewerage charges. Arrears of water supply and sewerage charges of these units have also been waived off by the Government. It is further contended that the petitioners are owners of residential plots measuring 58 sq. yards (approximately 2 marlas) which were allotted to them by the Punjab Urban Development Authority. It is further contended that the case of the petitioners is squarely covered by the notification (Annexure P-1).

On the other hand, on behalf of the Municipal Corporation-respondent No.2, it is contended that according to the definition given in Notification dated 7.11.2008, issued by the Government of Punjab, (Annexure R2/1), LIG/MIG/HIG, are not entitled to the benefit of waiver of water and sewage charges and as such, the writ petition is liable to be dismissed.

Heard.

Admittedly, as per notification dated 11.07.2006 (Annexure P-1), all residential units having plot area upto 5 marla (125 Sq. yards) situated within the limits of Municipal Corporations in the State of Punjab have been exempted from payment of water supply and sewerage charges. The respondents have claimed that as per notification (Annexure R2/1), LIG/MIG/HIG are not entitled to the benefit of waiver of water and sewage charges. However, on perusal of

notification (Annexure R-2/1), it is noticed that the same is regarding policy for allotment of one-room/two-room tenements in the land reserved for the purpose in Mega/Super Mega Housing Projects. In the complete notification (Annexure R2/1) which has been relied upon by the Municipal Corporation, there is no reference that LIG/MIG/HIG are not entitled to the benefit of waiver of water. The Municipal Corporation has failed to establish by producing any subsequent notification on record to show that how notification (Annexure P-1), is not applicable to the petitioners and how the notification (Annexure R2/1) relied upon by the Corporation withdraws the benefit granted to the petitioners as per notification (Annexure P-1) which specifically mentions that all residential units having plot area upto 5 marla (125 Sq. yards) situated within the limits of Municipal Corporations in the State of Punjab are exempted from payment of water supply and sewerage charges. Accordingly, the present writ petition is allowed. The petitioners are not liable to pay the water and sewerage charges levied by the respondent-Corporation from the date of issuance of notification (Annexure P-1).

12.09.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No