HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No. 13743 OF 2020

Between:

B.V.K.Ratnakar Rao, S/o.Sri.Nageswara Rao, Aged 65 years, R/o.3-374, Road No.19, Ayyappa Society, Madhapur, Hyderabad-500081.

...PETITIONER

AND

1. Hyderabad Metropolitan Water Supply and Sewerage Board, Jalasoudha, Khairatabad, Hyderabad Rep. by its Managing Director
2. The Director - Revenue, HMWS and SB, Jalasoudha Khairatabad, Hyderabad.
3. Chief General Manager, O&M Circle-IV, HMWS and SB, S.R.Nagar, Hyderabad.
4. General Manager, O&M Div.No.15 HMWS and SB, Chandanagar, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Order or Orders, Direction or Directions to declare the action of the Respondents in demanding from the petitioner vide CAN Number 620254585 water charges at 3 times the normal rates basing on Clause - 26(g) of G.O.Ms.No.168, MA & UD Department dated 07.04.2012, with effect from the date of providing the water supply to the petitioner by obtaining undertaking from them as illegal, arbitrary, without jurisdiction and unconstitutional and to restrain the respondents from raising such bills for 3 times water charges and insisting for the payment of same from the petitioners.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to insist the petitioner Vide. CAN Number 620254585 to pay water charges at 3 times the normal rates on the ground of not submitting occupancy certificate from the GHMC under G.O.Ms.No.168, MA & UD Department dated 07.04.2012, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI B. SRAVAN KUMAR

Counsel for the Respondents: SRI T. SUDHAKAR REDDY, (SC FOR HMWSSB)

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.13743 of 2020

ORDER:

Heard the learned counsel for the petitioner and Sri T.Sudhakar Reddy, the learned Standing Counsel for the respondent-Board. The Writ Petition is disposed of at the stage of admission itself.

When the matter is taken up for hearing, the learned counsel for the petitioner has submitted that the issue raised in the present writ petition is squarely covered by the common order, dated 03.11.2020, passed by this Court in W.P.Nos.28014 of 2014 & batch.

The above said submission is not disputed by the learned Standing Counsel appearing for the respondents herein.

In view of the same and for the reasons alike in the common order, dated 03.11.2020, passed in W.P.Nos.28014 of 2014 & batch, the present Writ Petition is disposed of, without expressing any opinion on merits with respect to the various issues raised in the writ petition, directing the respondent-Board to consider the case of the petitioner in terms of the Proceedings No.HMWSSB/Revenue/2018-19/793, dated 07.01.2019, and pass necessary orders, in accordance with law.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/-T.KRISHNA KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Managing Director, Hyderabad Metropolitan Water Supply and Sewerage Board, Jalasoudha, Khairatabad, Hyderabad
2. The Director - Revenue, HMWS and SB, Jalasoudha Khairatabad, Hyderabad.

3. The Chief General Manager, O&M Circle-IV, HMWS and SB, S.R.Nagar, Hyderabad.
4. The General Manager, O&M Div.No.15 HMWS and SB, Chandanagar, Hyderabad.
5. One CC to Sri. B. Sravan Kumar, Advocate [OPUC]
6. One CC to Sri. T. Sudhakar Reddy, (SC for HMWSSB) Advocate [OPUC]

(annex a copy of Order dated: 03/11/2020 in WP. No. 28014 of 2014 & batch)

7. Two CD Copies

Prk

HIGH COURT

DATED:26/11/2020

ORDER

WP.No.13743 of 2020

Disposing of the WP.
at the stage of admission
without costs.

ATM (8)
5/12/2020

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28014 of 2014

WRIT PETITION Nos.609 and 7129 of 2015

WRIT PETITION Nos.14163 and 28975 of 2016

WRIT PETITION Nos.36931 and 37014 of 2017

WRIT PETITION Nos.4648, 24226 and 46363 of 2018

WRIT PETITION Nos.1384, 1539, 3637, 3642, 7916, 12287, 17297, 19837, 21233, 23174, 26262, 26514, 28231, 28962 and 29204 of 2019

WRIT PETITION Nos.107, 586, 630, 1288, 2290, 4386, 4387, 4388, 4395, 4418, 4546, 4552, 4571, 4573, 4574, 4580, 4599, 4614, 4641, 4642, 4648, 4719, 4749, 4758, 4769, 4779, 4798, 4801, 4804, 4827, 4975, 4976, 4980, 4982, 4986, 5084, 5102, 5103, 5141, 5938, 6036, 6046, 7970, 8360, 8365, 8440, 8596, 8643, 8972, 8975, 9031, 9063, 10617, 10619, 10621, 10635, 10657, 10698, 10699, 10718, 10941, 11076, 11305, 11495, 11516, 11543, 11545, 11604, 11663, 11665, 11666, 11749, 11771, 11773, 11774, 11775, 11776, 11778, 11783, 11785, 11793, 11798, 11822, 11893, 11899, 11900, 11901, 11905, 11936, 12002, 12467, 12472, 12579, 12664 and 12817 of 2020

COMMON ORDER:

Heard Sri Vedula Srinivas, learned counsel for the petitioners; and Sri J. Ramachandra Rao, learned Additional Advocate General assisted by the learned Standing Counsel Sri T. Sudhakar Reddy for Hyderabad Metropolitan Water Supply and Sewerage Board (HMWSSB), for the respondents.

It is a case where challenge is made to the charging of three times tariff in place of normal tariff, by relying on Rule 21(v) of G.O.Ms.No.86 dated 03.03.2006, and Rule 26(g) of G.O.Ms.No.168 dated 07.04.2012, for water supply for the petitioners who have failed to submit Occupancy Certificate. It may be noted that vide G.O.Ms.No.86 dated 03.03.2006, the Rules under the name and style of Hyderabad Building rules came into effect. It may also be further noted that in none of the writ petitions there is any challenge to the G.O.Ms.No.86 dated 03.03.2006, or to the subsequent G.O.Ms.No.168 dated 07.04.2012. Vide these two Government Orders, by way of Rules, wherever there is purport of the Rules and the Government Orders so far as relevant is concerned is that the submission of Occupancy Certificate was made mandatory and in the event of non-

submission of Occupancy Certificate, the water charges shall be levied three times of normal charges.

Though it was initially contended by the learned counsel for the petitioners that levy of three times of normal charges is unauthorised, when the matter of taken up for hearing, learned counsel for the petitioners had placed on record the proceedings of HMWSSB vide Proceedings No.HMWSSB/Revenue/2018-19/793 dated 07.01.2019, and contended that in the said proceedings dated 07.01.2019, a Policy decision has been taken by the HMWSSB and the said decision would squarely apply to the petitioners in W.P.No.28014 of 2014, W.P.No.7129 of 2015 and W.P.No.46363 of 2018.

Learned Standing Counsel Sri T. Sudhakar Reddy, after obtaining instructions from the HMWSSB, filed a Memo dated 22.09.2020 before this Court enclosing the proceedings of HMWSSB vide Lr.No. HMWSSB/Dir(Rev)/2020-21/2253 dated 21.09.2020, and stating that the HMWSSB stands by its proceedings dated 07.01.2019 and willing to implement the same; and the said decision communicated under Proceedings dated 07.01.2019 would apply to all cases who are eligible.

When queried, Sri Vedula Srinivas, learned counsel would submit that he would be satisfied if the cases of petitioners are considered in terms of HMWSSB decision vide Proceedings dated 07.01.2019.

The lead arguments which were advanced by Sri Vedula Srinivas, learned counsel for the petitioners, and the decision of HMWSSB which the learned Standing Counsel had communicated by way of Memo dated 22.09.2020 before this Court, were adopted by other learned counsels Sri Muddana Koteswara Rao, Sri Sravan Kumar and other counsels appearing for the petitioners in their respective writ petitions, and have prayed for

disposal of the writ petitions with a direction to the respondents to consider the cases of petitioners in terms of Proceedings of HMWSSB dated 07.01.2019 for which prayer there was no objection from the respondents counsels.

Accordingly, the writ petitions are disposed of without expressing any opinion on merits with respect to various issues raised in the writ petitions, with a direction to the respondent-HMWSSB to consider the case of the petitioners in terms of the Proceedings No.HMWSSB/Revenue/2018-19/793 dated 07.01.2019. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

03rd November, 2020

ksm