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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6110/2020 & CM APPL. 21960/2020**
SHIV SHANKAR GUPTA

..... Petitioner

Through: Mr.Akshay Ringe & Mr.Nitish Ojha,
Advvs.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Sumeet Pushkarna, Standing
Counsel for DJB/R-4.
Ms.Shobhana Takiar, ASC for R-1 to
R-3.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **21.09.2020**

This petition has been heard through video conferencing.

1. This petition challenges the Impugned Minutes of Meeting dated 13.12.2019 by which the District Advisory Committee refused to sanction the installation of borewell applied for by the petitioner, on the following ground:-

“This case was place before the advisory Committee on 11.12.2019 for granting permission for Extraction of Ground Water. After detailed deliberation due to the following reasons that:-

- 1. Since the quantity required for 20-25 person is nominal.*
- 2. The area where the permission of Extraction Ground Water by Sh. Shiv Shankar Gupta i.e. 1853, C/100 Gali*

No. 10, Govindpuri Extension is already having adequate DJB water supply.

3. The depth of water table in this location is approximate 250 feet. Hence, the committee did not considered this case for its approval.”

2. The petitioner has filed an affidavit contending that the plot bearing no. 1853-C is further divided into ten parts and plot no. 1853-C/10 belongs to the petitioner. He admits that the water connection was earlier sanctioned, however, states that the same was surrendered in the year 1990. He further submits that the water line of the Delhi Jal Board is approximately 350ft. away from the premises of the petitioner.

3. On the other hand, the respondent no. 4 has filed on record the water bills allegedly issued not only for the premises of the petitioner but also with respect to other premises at plot bearing no. 1853-C. The receipt of the bill is denied by the petitioner.

4. As the authenticity of the bill is not in question before this Court and keeping in view that this Court has to confine its consideration to the reasons given by the District Advisory Committee while rejecting the prayer of the petitioner, one of which is that the premises of the petitioner is already having adequate water supply from the Delhi Jal Board, I do not consider this to be a fit case to exercise the discretionary jurisdiction vested in this Court. It is not denied by the petitioner that water is being supplied by the Delhi Jal Board in other premises on the same plot of land. In such circumstances, permission to instal the borewell has been rightly rejected by

the District Advisory Committee. Whether the petitioner himself is/was also being supplied water by the Delhi Jal Board and whether the bill raised by the respondent-Delhi Jal Board is in accordance with law, are disputed questions of facts, which would require parties to lead evidence.

5. The present petition is therefore, dismissed. It shall, however, be open to the petitioner to approach the Delhi Jal Board for seeking supply of water. Such application shall be considered by the Delhi Jal Board in accordance with law. As far as the bill and outstanding amount claimed against the petitioner is concerned, the parties shall agitate their respective claims in accordance with law before the appropriate forum.

NAVIN CHAWLA, J

SEPTEMBER 21, 2020/rv