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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

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THE HONOURABLE Mr.JUSTICE M.SUNDAR

W.P.No.22047 of 2021

D.V.Karunaakar

... Petitioner

-Vs-

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.75, Santhome High Road,
M.R.C.Nagar,
R.A.Puram, Chennai-28.
- 2.The Executive Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Stating Road,
Chintadripet, Chennai-600 002.
- 3.The Grievance Redressal and Felicitation Officer,
No.9, Muthukrishnan Street,
T.Nagar, Chennai-600 017.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to consider the representation of the petitioner dated 03.08.2021 to hold an enquiry and to re-determine in accordance with the law, the Water and Sewerage consumption charges of the petitioner's property situated at No.90 G.S.Chetty Road, T.Nagar between the months of April to August, 2020.

For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.P.K.Panneerselvam
Standing Counsel (CMWSSB)
for R1 & R2

ORDER

Mr.Sharath Chandran, learned counsel for sole writ petitioner is before this virtual Court.

2. Notwithstanding the slightly expansive prayer in the captioned writ petition, learned counsel submits that he abridges the prayer and restricts it to a request for a directive to dispose of 'representation dated 03.08.2021' ['said representation' for the sake of convenience].



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3. Aforementioned said representation together with postal acknowledgments are as follows:

03.08.2021

Mr. D.V. Karunakar,
No. 90, G.N. Chetty Road,
T. Nagar,
Chennai-17

1. The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No. 75, Santhome High Road, M.R.C. Nagar,
K.A. Puram, Chennai-28

2. The Executive Engineer,
Chennai Metropolitan Water Supply and Sewerage Board
No. 1, Pumping Station Road,
Chintadripet,
Chennai-600 002

3. The Grievance Redressal and Felicitation Officer,
No.9, Muthukrishnan Street,
T.Nagar,
Chennai-600 017

Sir,

Sub: **Complaint regarding excessive billing in No. 90, G.N. Chetty Road, T. Nagar, Chennai-17**

I am the absolute owner of the land and building located at No. 90, G.N. Chetty Road, T. Nagar, Chennai-17. The building is assessed to Water and Sewage to CMC No. 10/136/01615/000. The present complaint relates to the highly excessive billing for the period April to August, 2020. The building at 90, G.N. Chetty Road, T. Nagar is being used for commercial purposes. It is common knowledge that from 23.03.2020 till September 2020, there was complete lockdown of shops and commercial establishments in city of Chennai. My building is no exception. The entire building was under lock and key during the entire period. Despite this, I was shocked to receive an astonishing bill for the months received to receive an astonishing bill for the months of April to August, 2020 pointing out consumption charges and surcharge. The details of which are as under.

S No.	Period	Consumption Charges (Rs.) (Amount + Surcharge)
1.	202004M	6,223.00
2.	202005M	10,366.00
3.	202006M	8782.00



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23

4.	202007MI	8214.00
5.	202008MI	15,390.00
TOTAL		46,174

I wish to point out that despite repeated communications to the officers of the CMWSSB department, I have not received any clarity as to how such exorbitant charges can be effected to a building that was under lock and key. The representations to you good offices have also not yielded any fruits.

I wish to state that a building which is under lock and key could not therefore had been used, should be subjected to such highly excessive charges. In any event, the very fact that the sewage board is unable to explain how they have arrived to such an amount, clearly reflects that such arbitrary amount cannot be forced upon me.

Therefore, I call upon you to immediately clarify and set aside this anomaly within 7 days from the date of receipt of this representation, in absence of which I will be constrained to take legal recourse before the appropriate forum.



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* indicates a required field.

* Consignment Number

RT070157141IN

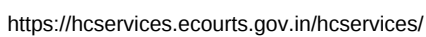
Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Thygarayanagar H.O.	04/08/2021 11:32:43	600017	20.00	Registered Letter	Thygarayanagar H.O.	05/08/2021 14:45:24

Event Details For: RT070157141IN

Current Status: Item Delivery Confirmed

Date	Time	Office	Event
05/08/2021	14:45:24	Thygarayanagar H.O.	Item Delivery Confirmed
05/08/2021	13:54:31	Thygarayanagar H.O. (Beef Number 23)	ITEM DELIVERED Item Delivered (To: YEZ (Addressee))
05/08/2021	09:43:41	Thygarayanagar H.O.	Out for Delivery
05/08/2021	08:35:25	Thygarayanagar H.O.	Item Received
04/08/2021	20:37:26	Thygarayanagar H.O.	Item Bagged
04/08/2021	11:32:43	Thygarayanagar H.O.	Item Booked

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*Indicates a required field.

* Consignment Number

RT070157155IN

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Thygarayanagar H.O	04/08/2021 11:32:43	600002	25.00	Registered Letter	Anna Road H.O	05/08/2021 15:33:01

Event Details For : RT070157155IN

Current Status : Item Delivery Confirmed

Date	Time	Office	Event
05/08/2021	15:33:01	Anna Road H.O	Item Delivery Confirmed
05/08/2021	11:37:33	Anna Road H.O (Bhat Number:28)	ITEM DELIVERED Item Delivered (To: CMWSB (Addressed))
05/08/2021	10:48:30	Anna Road H.O	Out for Delivery
05/08/2021	08:31:45	Anna Road H.O	Item Received
05/08/2021	06:34:11	ANNA ROAD 2 CRC	Item Dispatched
05/08/2021	00:13:23	ANNA ROAD 2 CRC	Item Bagged
04/08/2021	18:50:45	ANNA ROAD 2 CRC	Item Received
04/08/2021	15:10:58	Thygarayanagar H.O	Item Dispatched
04/08/2021	15:01:31	Thygarayanagar H.O	Item Bagged
04/08/2021	11:32:43	Thygarayanagar H.O	Item Booked

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4. Mr.P.K.Panneer Selvam, learned standing counsel for 'Chennai Metropolitan Water Supply and Sewerage Board' [CMWSSB] accepts notice on behalf of all the three respondents.

5. In the light of the limited/abridged prayer, captioned writ petition is disposed of with a direction to second respondent to dispose of aforementioned representation dated 03.08.2021 on its own merits and in accordance with law as expeditiously as the business of second respondent would permit and in any event within four(4) weeks from today i.e., on or before 17.11.2021. The proceedings/order disposing of writ petitioner's aforementioned representation shall be communicated to the writ petitioner under due acknowledgment within five(5) working days from the date of disposal of said representation.

6. Though obvious, for the purpose of specificity, it is made clear that this Court has not expressed any view or opinion on the merits of the matter in this order.

7. Captioned writ petition disposed of with the above directives. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kmi



To

1.The Managing Director,
Chennai Metropolitan Water Supply and Sewerage Board,
No.75, Santhome High Road,
M.R.C.Nagar,
R.A.Puram, Chennai-28.

2.The Executive Engineer,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Stating Road,
Chintadripet, Chennai-600 002.

3.The Grievance Redressal and Felicitation Officer,
No.9, Muthukrishnan Street,
T.Nagar, Chennai-600 017.

+1 cc to Mr.Govind Chandrasekhar, Advocate Sr.NO. 53791
W.P.No.22047 of 2021

GJ(CO)
A.SK(29.10.2021)