



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.25452 of 2015 and

M.P.No.1 of 2015

Sakthi Nagar Residents Welfare Association,
Being Represented by its Secretary
M.Selvaraj

Having its Registered Office at
9/29, 3rd Street, Somasundaram Avenue,
Sakthi Nagar, Porur,
Chennai - 600 116.

.... Petitioner

Vs.

1.Chennai Metro Water Supply and Sewerage Board,
Represented by its Managing Director,
1, Pumping Station Road, Chintadripet,
Chennai-600 002.

2.The Controller of Finance,
Finance Department,
Chennai Metro Water Supply and Sewerage Board,
1, Pumping Station Road, Chintadripet,
Chennai-600 002.

3.The Area Engineer XI,
Chennai Metro Water Supply and Sewerage Board,
1, Pumping Station Road, Chintadripet,
Chennai-600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd Respondent with reference to the impugned demand dated 13.04.2015 issued to the Petitioner Association fixing the monthly water charges for domestic connection at Rs.150/- for the Porur Town Panchayat area and quash the same and



consequently direct the Respondents to levy and monthly water charges at Rs.50/- from the members of the Petitioners Association as in the case of other consumers of the Respondents.

WEB COPY

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.N.Ramesh

O R D E R

The petitioner is the Sakthi Nagar Welfare Association and challenges an order passed on 13.04.2015 by the Chennai Metropolitan Water Supply and Sewerage Board calling upon the residence of Sakthi Nagar, Porur to pay water supply charges as following:

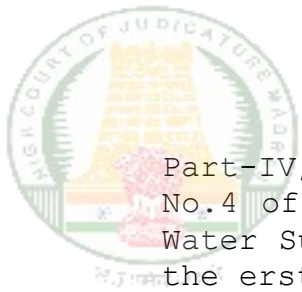
Sl.No.	Category	Monthly water charges
1.	Domestic connection	Rs.150/-
2.	Commercial connection	Rs.250/-
3.	Industrial connection	Rs.450/-

2.The Board clarifies further the liability of the residents to continue to pay the old water charges that were levied by the erstwhile Porur Town Panchayat, till such time a uniform basis for the levy of water charges is arrived at by the Board.

3.The primary contention of the petitioner is one of discrimination one as they point out that the water charges in AGS colony, a neighbouring area, is only Rs.50/- for a domestic connection as against to Rs.150 in the case of units in Sakthi Nagar, Porur.

4.The petitioner has been protected by an order passed by this Court on 08.03.2016, permitting them to pay only Rs.50/- per month from date of demand i.e. from April 2015 onwards, upon condition that the arrears be paid within four weeks from the date of receipt of copy of that order. The condition is stated to have been complied with by the residents though no memo/proof of such remittance has been placed on record.

5.A counter has been filed by the respondents in July 2016, which explains the stand of the respondents stating that the Board is collecting water charges as resolved by the amendment made in the Tamil Nadu Government Gazette, extraordinary issue,



Part-IV, Section-2 dated 25.01.2012 vide Tamil Nadu Ordinance No.4 of 2012 in terms of Section 87 of the Chennai Metropolitan Water Supply and Sewerage Act, 1978, on the basis of the levy by the erstwhile local body.

WEB COPY

6. Despite the elapse of eight years, there has been no methodology devised by the Board, to provide for a uniform levy of charges across all area in the city. This exercise ought to have been engaged in even at the time when the transition from the erstwhile Panchayats to the Board was being contemplated there has necessarily to be some measure of uniformity in the levy of water charges across all areas, though taking note of unique difficulties and that different areas might face. Admittedly this has not been done as on date.

7. While sustaining the impugned order, there is a direction to the respondents to engage in this exercise forthwith and ensure roll-out of a proper and comprehensive scheme providing for the rates that should be adopted in different areas. The adoption of the rates levied by the erstwhile Panchayats in an automatic and mechanical fashion, albeit temporarily, does not stand the test of a proper levy. Let this exercise be completed within a period of three months from today.

8. It appears that even pending interim orders, the rates have been escalated from Rs.50/-, as fixed by this Court to Rs.75/- as an adhoc measure. The petitioner will continue to remit the charges at the prevailing rates for another three months by which time the new schedule of rates, arrived at in a scientific manner, is expected to be prepared and ready. Once finalised and standardized, excess, if any, that the petitioner has paid, shall be adjusted towards future demand. Likewise, any shortfall shall be made good by the petitioner within the time granted in this regard. Let this exercise be completed within three months from today.

9. This writ petition is disposed in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



vs/ska

To

1.The Managing Director,
Chennai Metro Water Supply and Sewerage Board,
1, Pumping Station Road, Chintadripet,
Chennai-600 002.

2.The Controller of Finance,
Finance Department,
Chennai Metro Water Supply and Sewerage Board,
1, Pumping Station Road, Chintadripet,
Chennai-600 002.

3.The Area Engineer XI,
Chennai Metro Water Supply and Sewerage Board,
1, Pumping Station Road, Chintadripet,
Chennai-600 002.

W.P. No.25452 of 2015 and
M.P.No.1 of 2015

ssn[co]

srg 04/05/2022