



W.P No.33675 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 02.01.2024

C O R A M

The Hon'ble Mr. Justice **SENTHILKUMAR RAMAMOORTHY**

Writ Petition No.33675 of 2022

&

WMP Nos.33135 & 33137 of 2022

Dr.R.Sai Mohan
Annai Multispeciality Hospital
121/60, Kali Amman Koil Street,
Virugambakkam,
Chennai-600 092.

... Petitioner

vs.

1. The Commissioner,
Greater Chennai City Corporation,
Ribbon Building,
Chennai-600 003.
2. The Section Officer,
Chennai Metropolitan Water Supply & Sewerage Board,
T.Nagar, Chennai.
3. Area Engineer-Z
Chennai Metropolitan Water Supply & Sewerage Board,
No.9, Muthu Krishnan Street,
T.Nagar, Chennai.
4. The Managing Director,



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Chennai Metropolitan Water Supply & Sewerage Board,
#1, Pumping Station Road, Chintadripet,
Chennai-600 002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records issued by the 4th Respondent in Notice Ref.No.GR/22-23/128/12360, dated 16.11.2022 and quash the same and directing the 4th Respondent to revise the water tax for the property situated at 121 (60/5), Kalamman Koil Street, Virugambakkam, Chennai - 600 092.

For Petitioner : Ms.Thenmozhi Shivaperumal

For Respondent : Ms.K.Aswini Devi, Standing Counsel
(Corporation) for R1
M/s.Dr.N.Paul Sunder Singh,
Standing Counsel (Metrowater)
for R2 to R4

ORDER

The petitioner assails demand notice dated 16.11.2022 relating to water tax and water charges.

2. The petitioner runs a private hospital at the relevant premises and obtained a water connection in relation thereto. Upon becoming aware of a demand for a sum in excess of Rs.3 lakhs



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towards water charges and taxes, by communication dated 23.06.2022, the petitioner alleged that the amount demanded is exorbitant and that an average amount of Rs. 3 lakhs was being demanded. In response, on 29.10.2022, the respondent stated that a new automated water meter was fixed in the petitioner's premises and that the amount demanded is in accordance with the readings on the newly installed automated water meter. This was followed by the impugned demand notice. The following claims were made in the demand notice: are aggregate sum of Rs.3,66,734/- towards water charges along with a sum of Rs.18,338/- as surcharge thereon ; and an aggregate sum of Rs.8,475/- as tax along with Rs.195/- as surcharge thereon. This demand pertains to the second half of financial year 2020-21; the first half of financial year 2021-22; the second half of financial year 2021-22; the first half of financial year 2022-23 and the second half of financial year 2022-23.

3. Learned counsel for the petitioner submits that an exorbitant amount has been demanded and that such demand is on account of the installation of a faulty meter. By referring to demand



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notice dated 07.07.2021, learned counsel submits that an aggregate sum of Rs.35,900/- was paid in response to such demand. Likewise, it is submitted that the amount of Rs.56,922/- was paid earlier, as evidenced by the document at page 30 of the typed set. Learned counsel submits that the impugned demand is unsustainable both in view of payments previously made and on account of the exorbitant amount demanded as water charges for the relevant periods.

4. In response to these contentions, learned standing counsel for the Chennai Metropolitan Water Supply & Sewerage Board (CMWSSB) submits that the petitioner made payments up to the first half of financial year 2020-21. As regards the periods subsequent thereto, no payments were made. He also submits that the automated water meter is not defective and that such meter was last calibrated on 01.08.2023. In addition, he submits that the petitioner has an alternative remedy and that the writ petition is liable to be rejected on that ground.



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5. Upon taking stock of the rival contentions, it is noticeable that the earlier demand notice dated 07.07.2021 is in respect of amounts payable up to September 2020. In other words, it relates to the first half of financial year 2020-21. The receipt for a sum of Rs.56,922/- relates to the second half of financial year 2018-19 and the first half of financial year 2019-20. Therefore, the documents on record do not contain any evidence of payment for the period commencing from the second half of financial year 2020-21, which form the subject of the impugned demand. By reply dated 29.10.2022 in response to communication dated 23.06.2022, the respondent asserted that a new automated water meter was fixed in the premises of the petitioner and that such water meter was calibrated as recently as 01.08.2023 and found to be free of defects. In the absence of evidence that the water meter installed by the respondent is defective, the water charges and taxes demanded by the respondent are liable to be paid by the petitioner.

6. For reasons set out above, no case is made out to interfere with the impugned order. W.P.No.33675 of 2022 is dismissed without



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any order as to costs. This order will not, however, stand in the way of the petitioner establishing that the meter is defective and making any representation thereafter. Consequently, connected connected miscellaneous petitions are closed. There shall be no order as to costs.

02.01.2024

Index : Yes/No
Internet : Yes/No

Neutral Citation:Yes/No

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To

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Greater Chennai City Corporation,
Ribbon Building,
Chennai-600 003.



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