

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RSA-1751 of 1994 (O&amp;M)

Date of Order:19.04.2024

State of Punjab and another

.Appellants

Versus

Hakam Chand and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanav Singla, AAG, Punjab.

ANIL KSHETARPAL, J

1. This regular second appeal is more or less rendered infructuous.
2. As per the office report, service of notice of the appeal is not complete for the last 30 years. In substance, the defendants (State of Punjab) assails the correctness of the concurrent findings of fact arrived at by the courts below while decreeing the plaintiffs' suit for the grant of decree of declaration that the State and the local authority cannot compel the residents to pay fixed water charges in place of charges commensurate to the metered/measured water supply.
3. Both the courts have held that the flat rate proposed to be charged is illegal.
4. On 24.01.1995, the following order was passed:-

*“After hearing learned counsel for the parties, this Civil Misc. is disposed of with the direction that the respondents will be liable to pay the water charges at the old rate as per decree, upto 31.03.1993. Thereafter, they will pay at the rate applicable w.e.f. 1.4.1993, they having not challenged the enhancement made in 1993. Learned counsel for the respondents has undertaken to pay arrears of water charges w.e.f. 1.4.1993 till date,*

*within one month from today.”*

5. The learned counsel representing the State of Punjab submits that he has no knowledge as to whether the residents have paid the amount as ordered on 24.01.1995 or not?
6. After a passage of nearly 30 years, it will be difficult for the State of Punjab to recover the amount from the plaintiffs even if their appeal is allowed. In that eventuality the charges deposited by the plaintiffs commensurate to their usage shall have to be adjusted.
7. Keeping in view the aforesaid facts and discussion, the regular second appeal is disposed of.
8. All the pending miscellaneous applications, if any, are also disposed of.

April 19, 2024  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned :YES/NO  
Whether reportable :YES/NO