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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15905/2024**

MANJU TIWARI

.....Petitioner

Through: Ms. Ankita Tiwari, Mr. Abhishek
Tiwari, Mr. Anuj Gupta and Ms,
Pragya Gupta, Advocates.

versus

DELHI JAL BOARD (DJB) & ORS.

.....Respondents

Through: Mr. G.S. Oberoi, ASC DDA and
Mr. J.S. Oberoi, Advocate.
Mr. Anuj P. Agarwala and Mr.
Prakash Jha, Advocates for DJB.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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16.12.2024

1. Pursuant to the order dated 18.11.2024, learned counsel for the Delhi Development Authority ["DDA"] has handed up a status report dated 11.12.2024, which is taken on record. A joint inspection report with regard to feasibility of providing of water connection in the petitioner's Kiosk bearing No. K-1, Ground Floor, Madam Bhikaji Cama Place, New Delhi – 110066 ("subject kiosk") has also been annexed to the status report. The relevant extracts of the status report are as follows:

"4. That during inspection, it was found that nearest feasible point for providing water connection at kiosk number K1 allotted to (Mrs. Manju. Devi) is located 158 m from the kiosk, at the internal peripheral road near petrol pump on August Kranti Marg at Bhikaji Cama Place, District center. It is submitted that the main water line of Delhi Jal Board is also located at this location. A Copy of joint site

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inspection report is annexed hereto and marked as Annexure-A.

5. That the connection from the main line will pass beneath the granite flooring of the upper Plaza, common area in the vicinity of the stormwater drain. That both DDA and Delhi Jal board found this location suitable for facilitating the water connection. It is pertinent to mention here that all the excavation or construction work had to be done with caution as existing stormwater drain is not damaged or blocked during the laying of the water pipeline.

6. It is humbly submitted that laying of service connection from Delhi Jal board line to the kiosk is the responsibility of the petitioner. It is further submitted that the petitioner has to bear the charges for restoration of granite flooring and other pavements at his individual capacity.

7. It is pertinent to mention here that the restoration charges amounting to Rs. 8,08,503 from the pipeline route area must be deposited by the petitioner to the present respondent DDA. That the above said charges will not be refundable. A copy of estimate for restoration of pipeline route area is annexed hereto and marked as Annexure-B.

8. That permission for laying the pipeline will only be granted to the petitioner after the tendering process for the restoration work of the affected area has been completed. This step is necessary to ensure that no inconvenience is caused to commuters visiting the district center, as the restoration work will be carried out by the DDA through the tendering process.”

2. The estimate of costs has also been annexed to the status report.
3. It is clear from the above that DDA and the Delhi Jal Board [“DJB”] are willing to lay the water pipeline to provide a water connection to the subject kiosk, subject to the petitioner bearing the charges for restoration of the granite flooring and pavements, which would have to be broken for the pipeline to be laid. Learned counsel for DDA and DJB state that the pipeline is being laid only because of the petitioner’s request, and the entire work would, thus, be undertaken at the petitioner’s instance.
4. Mr. G.S. Oberoi, learned counsel for DDA, clarifies that wherever



a pipeline is to be laid for providing water to a particular location, the consumer is required to bear the costs. He also points out that the subject kiosk has never had a water connection, and even when the petitioner purchased it in the year 2023, there was no independent water connection at the premises.

5. Ms. Ankita Tiwari, learned counsel for the petitioner, submits that the estimate of over Rs.8,00,000/- may be too high for the petitioner to bear. However, she is unable to controvert the submission on behalf of the respondent that the charges for laying the pipeline must be borne by the consumer.

6. Mr. Oberoi clarifies, upon instructions, that in the event the work is tendered, and DDA ends up spending less than the estimated amount, the balance will be refunded to the petitioner.

7. For the aforesaid reasons, the writ petition is disposed of in terms of the status report filed by DDA. DDA and DJB are directed to proceed in accordance with the submissions made therein, subject to the petitioner depositing the sum of Rs.8,08,503/- with the DDA within a period of four weeks.

PRATEEK JALAN, J

DECEMBER 16, 2024
SS/JM/