



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.502 of 2018 (O&M)

Date of Order:22.01.2025

The Joint Commissioner, Municipal Corporation, Faridabad and
another

.Appellants

Versus

M/s Paper Board Machinery Co.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vasundhara Bhandari, Advocate,
for for appellants.

Mr. Shiv Kumar, Advocate
for the respondent.

ANIL KSHETARPAL, JUDGE (Oral)

1. This Regular Second Appeal has been filed by the defendants to assail the correctness of the First Appellate Court's judgment which in turn has reversed the judgment of the trial court.

2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.

3. In the year 1981, the water connection was issued to the plaintiff's factory. In the year 2002, the plaintiff-Company sent communication for depositing the water meter on the ground that it is not getting water supply, hence no water bill be sent in future. In the year 2010, the Municipal Corporation, Faridabad, raised a bill of Rs.1,38,030/-. The plaintiff filed the suit. The defendants claimed that the water supply was never disconnected.



4. The trial court dismissed the suit, however, the First Appellate Court, after appreciating that receipt of letter dated 06.08.2002, depositing the water meter is admitted, allowed the appeal.

5. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the appellants submits that there is no evidence of disconnection of water supply. Hence, it should be presumed that the water supply continued. She further submits that a ledger from 2008 to 2010 was produced.

7. On a court question, she admits that there was no bill/invoice issued to the plaintiff from the years 2002 to 2010. Moreover, the appellants have not led any evidence that there was any consumption of water recorded in the water meter. The First Appellate Court has recorded a finding of fact which is not proved to be suffering from any error.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

January 22, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No