
(1999) 07 AHC CK 0154
In the Allahabad High Court
Case No : C.M.W.P. No. 25594 of 1995

G.N. Verma, Advocate

APPELLANT

Vs

General Manager, Jal Sansthan, Allahabad and another

RESPONDENT

Date of Decision : 22-07-1999

Acts Referred:

Uttar Pradesh Water Supply and Sewerage Act, 1975 — Section 30

Citation : (1999) 4 AWC 2881 : (1999) AWC 2881 : (1999) 2 UPLBEC 1584

Hon'ble Judges : Lakshmi Bihari, J; Binod Kumar Roy, J

Bench : Division Bench

Advocate : Bhupeshwar Dayal, S.P. Gupta and A.N. Verma, for the Appellant;
R.N. Saggi, Vivek Verma, S.C., for the Respondent

Final Decision : Disposed Of

Judgement

Binod Kumar Roy and Lakshmi Bihari, JJ.—The prayer of the petitioner is to command respondent No. 1 to withdraw its water connection forthwith and to submit past bills for adjudication to some Tribunals as required under the law.

2. Shortly put, his case is that since the date of his purchase of the Premises No. 17/5 (New) 5 (Old), Auckland Road. Allahabad, he has been continuously paying house tax and water taxes respectively in regard thereto ; he received a bill of Rs. 2,483.54 P. (appending its copy as Annexure-1) in respect of excess water charge on the ground that the meter is defective, on receipt of which he sent a reply dated 19.11.1984 (appending its copy as Annexure-2) which was received in the office of respondent No. 1 on 29.11.1984 stating, inter alia, that the meter is not working and no charges for excess water was ever made since 1971. the year from which he has been living and pray that the dispute be referred u/s 30 of the Uttar Pradesh Water Supply and Sewerage Act. 1975, to the Nigam (Tribunal) of the Jal Sansthan but no action has been taken ; he has also given some more illustrations in regard to subsequent bills and his reply thereto.

3. Yesterday, we had passed the following order :

"Heard Sri Bhupeshwar Dayal, learned counsel for the petitioner.

As prayed for by Sri R. N. Saggi, learned counsel appearing for the Jal Sansthan, Allahabad, put up tomorrow to enable him to explain as to what was the basis of preparation of the document appended as Annexure 1 to the writ petition which has been described as "Jal mulya ka bill-cum-notice", Allahabad Jal Sansthan, Khushru Bagh. Allahabad, inasmuch as without stating as to Whether the figure 5306400 mentioned in the caption "khapat" litre/gallon is with reference to litre or gallon reminding Jal Sansthan that one of the words therein has not been struck off and there is a lot of difference between a litre and a gallon. It is a well-settled law that doctrine of void and vagueness comes into play in all administrative action and whether for this vagueness the bill-cum-notice is fit to be ignored by the petitioner or not ?

Sd/- Binod Kumar Roy, J.

Sd/- Lakshmi Bihari, J."

4. Mr. R. N. Saggi. learned counsel appearing on behalf of the Sansthan (Respondent No. 1) informs us that the Jal Sansthan. Allahabad, has already disconnected water supply to the petitioner on 18.9.1995 and from that date onwards, it is not going to charge any water charges and it does not intend to reconnect the water supply unless the petitioner desires besides it is going to refer the dispute to the Nigam (Tribunal) as suggested by the petitioner,

5. Section 30 of the Act reads thus :

"30. Disputes with consumers.--Subject to the provisions of this Act, any dispute arising between the Jal Sansthan and the consumer shall be referred to the Nigam whose decision shall be final."

A perusal of the aforementioned provision leaves no manner of doubt that in terms of the dispute raised by the petitioner, it was required to be referred to the Nigam whose decision has been made final by the Statute save and except its challenge before this Court through a writ application,

6. In view of the stand taken by respondent No. 1 before us. we are of the view that the Jal Sansthan, Allahabad, is not entitled to levy any water charge from the date it disconnected water supply to the premises of the petitioner.

7. We also put on record the stand of respondent No, I that the Jal Sansthan, Allahabad, is going to refer the dispute to the Nigarn (Tribunal) u/s 30 of the Act,

8. In the aforementioned view of the matter, this writ petition is disposed of with following directions :

(i) The respondents are restrained from levying any water charges from the petitioner from 18.9.1995.

(ii) Respondent No. 1 is directed to refer the dispute raised by the petitioner, through his various representations, to the Nigarn for disposal, if it intends to act

against the petitioner.

9. In the peculiar facts and circumstances, however, we make no order as to cost.

10. The office is directed to hand over a copy of this order within one week to Sri R. N. Saggi, learned counsel for respondent No. 1 for a follow-up action.